BIOGRAPHICAL STUDIES

1534-1829

Materials towards a biographical dictionary of Catholic History in the British Isles from the breach with Rome to Catholic Emancipation

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NOTICE

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BIOGRAPHICAL STUDIES
1534-1829.

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EDITORS' NOTE

We are glad to be able to announce that, beginning in January 1956, *Biographical Studies* will be issued three times a year, instead of twice a year as at present. Details will be found on the inside front cover and on the printed slip which is enclosed in the present issue. It is particularly gratifying to be able to make this announcement, for the expansion is entirely due to increasing public interest in Recusant history and the amount of important research which is being done in the subject today.

The next two numbers of *Biographical Studies* (January and April 1956) will be devoted entirely to the following work:-

A CATALOGUE OF CATHOLIC BOOKS IN ENGLISH, PRINTED ABROAD OR SECRETLY IN ENGLAND 1558-1640

By A.F. Allison and D.M. Rogers

This catalogue covers the almost unexplored field of Recusant bibliography. Publication of Catholic books was rigorously suppressed during the period by the English government and Catholics were forced to rely, for the books they needed, on presses operating secretly in England and on the printers of Douai, S.Omer, Paris, Antwerp and other centres where Catholic refugees from England gathered. To safeguard those engaged in this dangerous trade, they frequently concealed the names of authors and printers and sometimes even the dates of publication. Many of the books have survived in only a few scattered copies and are not listed in the Bibliographical Society's *Short Title Catalogue*. Out of more than 900 entries in the present catalogue, over 200 were previously unrecorded.

The entries are based on those of the *Short Title Catalogue* but are fuller and contain a great many new identifications of authors, translators and printers. Locations of copies of books are also more extensively given than in the *Short Title Catalogue*, up to twelve copies being quoted if known.

Although the catalogue is being published as part of *Biographical Studies*, and issued as such to subscribers, it will be self-contained, with its own indexes, and will also be on sale to the general public.

THE CATHOLIC RECUSANCY OF THE YORKSHIRE FAIRFAXES. *Part I.*

By HUGH AVELING O.S.B.

In the middle ages the Fairfaxes ranked amongst the minor landed gentry of Yorkshire. They seem to have risen to this status in the thirteenth century, partly by buying land out of the profits of trade in York, partly by successful marriages. But they remained of little importance until the later fifteenth century. They had, by then, produced no more than a series of bailiffs of York, a treasurer of York Minster and one knight of the shire. The head of the family was not normally a knight. The family property consisted of the two manors of Walton and Acaster Malbis and house property in York. But in the later fifteenth century and onwards the fortunes of the family were in the ascendant and they began a process of quite conscious social climbing. At the same time they began to increase considerably in numbers. The three main branches, with all their cadet lines, were fixed by the middle of the sixteenth century – the senior branch, Fairfax of Walton and Gilling, the second branch, Fairfax of Denton, Nunappleton, Bilborough and Newton Kyme, the third branch, Fairfax of Steeton. It is very important for any attempt to assess the strength and nature of Catholicism in Yorkshire to try to understand the strong family – almost clan – unity of these pushing, rising families. While adherence to Catholicism could be primarily a personal choice in the face of family ties and property interests, the history of the Faith in Yorkshire was conditioned greatly at every point by the strength of those ties and interests. The minute genealogy and economic history of the gentry has therefore a very direct bearing on recusant history.

As we hope to show in detail, Catholic tendencies (a term to be understood in the light of sixteenth and early seventeenth century conditions and not merely out of our modern experience of a post-Christian society) were naturally very widespread throughout the family between 1570 and 1642. It was endemic amongst their class. It was comparatively open in the wives, but rarely pushed to the point of conviction for recusancy amongst the husbands or heads of families. The steady pressure of the authorities was cushioned by family considerations – making both for Church-Papistry and for practical tolerance. As late as Danby the authorities were embarrassed by their own personal family ties in the matter of religion. Danby's own attitude must have been affected by the fact that his mother was a Walmesley and

the widow of a Middleton of Stockeld. By the Civil War the two younger Fairfax branches had quite shed their Catholic tendencies and joined the increasing mass of genteel families in the same condition. The senior branch, of Walton and Gilling, now passed over to the other group which was forming – the group of families which were exclusively Catholic, facing openly all the consequences, though still not unprotected by family ties with the other side, and still sharing the mentality of their class. The passage to open recusancy was not sudden and simple. At first only two or three younger sons and their families became recusants. The main stem, at Gilling, passed through an intermediate stage, when a marriage of the head of the family with an uncompromisingly Catholic wife led to both religious division and desperate efforts to cloak it and save the unity of the family and the integrity of its estates. The final stage came in the 1630s and 1640s when, ironically, the recusancy of the cadet lines lapsed and the head of the family became a recusant. This recusancy lasted unbroken from the 1650s until the extinction of the main Gilling branch, in 1793.

In the following account of the family's Catholicism, we mention every reference to prosecution for Catholicism we have been able to find – that is to say all the Fairfax entries in the Recusant Rolls to 1642, the North Riding Quarter Sessions Rolls, the York Visitation Books, the York High Commission Books, the York and Ainsty Quarter Sessions. This unfortunately leaves gaps. We have been unable to see the East Riding Quarter Sessions Rolls (which would bear on the Fairfax manor of West Heslerton and one or two obscure cadet lines of the Walton family), the West Riding Sessions books are late and scanty on recusancy and the North Riding Rolls only survive for after 1603.[1]

(A) **RICHARD FAIRFAX** of Walton, married Eustachia Carthorpe and died in 1432, leaving issue –

1. WILLIAM FAIRFAX of Walton. (see (B) below)
2. BRIAN FAIRFAX.
3. SIR GUY FAIRFAX of Steeton, Chief Justice, who died in 1495, leaving issue –
   i. *THOMAS FAIRFAX*, Sergeant at Law, married Cicely Manners.
   ii. *SIR WILLIAM FAIRFAX*, knt. of Steeton, married Elizabeth, sister of Lord Roos and left issue –
      (1) **Sir William Fairfax**, knt. of Steeton, who married Isabel Thwaites and had issue –
         (a) Guy Fairfax, a lunatic.
         (b) Sir Thomas Fairfax, knt. of Denton, married the heiress of Denton, Dorothy Gale, and died in 1600. According to family tradition, he was disinherited

of Steeton by his (Marian) Catholic father because he 'assisted at the sacking of Rome.' He was the ancestor of the famous Fairfaxes of Denton, Nunappleton and Newton Kyme. He was accounted a definite Protestant by Thomas Gargrave, in 1572.[2] But Gargrave was not, as we shall see, a very sure guide. Sir Thomas held lands in Hunsingore, and it is likely that the 'Thomas Fairfax of Hunsingore' who was presented as a non-communicant at a Visitation in 1590 was his son, the husband of Ellen Aske. But thenceforward there was no trace of Catholicism amongst the Denton Fairfaxes, apart from one marriage of Anne, daughter of Thomas Fairfax and Ellen (Aske) to Sir George Wentworth of Woolley, the son of a convicted recusant.[3]

(c) Gabriel Fairfax of Steeton, who married Elizabeth Aske of Aughton. Gargrave held him to be doubtful in religion. The jurors of the Ainsty never presented him or his wife for non-conformity. But this means little, for several reasons. The Ainsty Quarter Sessions Books rarely mention recusants outside York itself. Again, Gabriel's father had completely depopulated Steeton and Gabriel lived there alone in splendour. Finally, in 1581-2 he and his wife were summoned before the York High Commission to account for persistent non-communicating. Gabriel failed to appear in court and died in 1582.[4] He left issue –

(i) (*Sir?*) *William Fairfax* of Steeton, who married Mable, daughter of Sir Henry Curwen of Workington, Cumberland, whom he had courted at Gilling, the house of his – and his bride's – cousin, Sir William Fairfax of Walton, who was a trustee of the marriage settlement. William and his wife were presented as non-communicants in 1596. Sir William's daughter, Priscilla, wife of Anthony Saltmarsh of Wragby, co. Lincoln, was a recusant in 1604. But thenceforward the Steeton Fairfaxes, the descendants of Sir William, were closely associated with their Denton cousins and show no sign of recusancy.[5]

(ii) *Henry Fairfax*, who was probably the Henry Fairfax of Lund, Byland, who married Clara Talbot, niece of the martyr John Talbot.[6]

(iii) *Francis Fairfax*, who married Anne, daughter of a Thomas Fairfax of Sheriff Hutton who was identified in a seventeenth century MS pedigree as the fourth son of Sir Nicholas Fairfax of Gilling. It is likely that Francis' wife was the 'Anne, wife of Francis Fairfax of Huttons Ambo gent.' who was presented as a non-communicant in 1603/4.[7]

(iv) *Anne Fairfax*, who was ward of Sir William Fairfax of Walton, and

who, according to a MS pedigree, married Sir Edmund Sheffield.[8]

(v) *Mary Fairfax*, married firstly to Thomas Gower of Stittenham, Sheriff Hutton, and secondly to Sir Charles Kelke of Sheriff Hutton.[9]

(vi) *Thomas Fairfax alias Robertes*, an illegitimate son, left as the ward of Seth Holme of Huntington, York, who was a recusant from at least 1600. In 1612 Jane Robertes, gentlewoman and her son, Thomas Fairfax, were presented as non-communicants at Sheriff Hutton. Thomas later acquired land in Sledmire and became the ancestor of the Fairfaxes of Sledmire.[10]

(vii) *Matthew Fairfax alias Clerke*, another illegitimate son and ward of Seth Holme.

(d) Henry Fairfax of Bilborough, who married Dorothy Aske of Aughton. In 1580 he and his wife were summoned to the York High Commission for persistent non-communicating. At the next session they produced a certificate that they had conformed and neither they nor their children appear again in the records.[11]

(e) According to a MS pedigree there was also a daughter, Ursula Fairfax, who married 'Sir Ralph Vavasour'.[12]

4. MILES FAIRFAX.
5. SIR NICHOLAS FAIRFAX of Bullingbroke, knight of Rhodes.
6. MARGARET FAIRFAX, married to John Dawtre of York.
7. AGNES FAIRFAX, married to John Cawood.

(B) **WILLIAM FAIRFAX** of Walton, married Katherine Neville and died in 1453, leaving issue –

1. SIR THOMAS FAIRFAX knt. of Walton and Gilling. (see (C) below)
2. MARY FAIRFAX, married to John Gower of Stittenham.

(C) **SIR THOMAS FAIRFAX** knt. of Walton, who acquired the Gilling castle estate in 1492 by inheritance and married Elizabeth, daughter of Sir Robert Sherburne of Stonyhurst. He died in 1505, leaving issue –

(D) **SIR THOMAS FAIRFAX** knt. of Walton and Gilling, who married Anne, daughter of Sir William Gascoigne of Gawthorpe. He died in 1520, leaving issue –

1. SIR NICHOLAS FAIRFAX. (see (E) below)
2. WILLIAM FAIRFAX, ancestor of the Norfolk Fairfaxes.
3. THOMAS FAIRFAX, a priest and vicar of Caldbeck, Cumberland. He married at

the Reformation and was the ancestor of the Fairfaxes of Bolton and Cockermouth, Cumberland. In 1579, 'Thomas Fairfax, filium minorem Thome Fairfax de . . . (Bro'ton *or* Bolton)' was called to the York High Commission because he had not communicated that Easter. No action seems to have been taken.[13]

4. MILES FAIRFAX of Grimston and Gilling in 1548.[14]
5. GUY FAIRFAX of Gilling, who married Anne, daughter of William Thornton of East Newton Grange, Oswaldkirk.[15] They had issue –

(i)? **Guy Fairfax.** A Guy Fairfax and his wife Sisile of Walton (elsewhere Walton Lodge) were presented for non-communicating, at the Ainsty Sessions in 1581. He protested his own willingness to conform. But from 1581 to 1586 the High Commission was repeatedly calling on him – unsuccessfully – to make his wife Cecilia conform. He forfeited a recognisance. A 'Mr. Guy' and his wife were frequent visitors to Walton manor house and Gilling 1571-84. It is, of course, chronologically just possible that this Guy was the brother of Sir Nicholas married a second time.[16]

(ii) **William Fairfax,** the son of Guy and Anne, according to the will of Robert Thornton, in 1572, who left his 'cossin and nephew' a horse. It is perhaps possible that this William was identical with the WILLIAM FAIRFAX of East Newton Grange who married Eleanor, daughter of William Barton of Cawton, and died in 1620. This William of East Newton was the son of . . . Fairfax and his wife, Adelina, daughter of George Sandwith of Newton Grange and widow of John Blanchard. This William also held a sixth of the manor of Dunsley, Whitby – as we shall see, a mark of a close relative of Sir Nicholas. In 1600 William Fairfax of Oswaldkirk (the parish in which East Newton lies) was presented, as Churchwarden, for refusing to repair the churchyard (wall?). It was also reported that 'William Fairfax refusyth to the Church' (sic.) He had issue –

Thomas Fairfax of East Newton and Helmsley, baptised at Oswaldkirk on September 7th 1599. He succeeded to his father's sixth of Dunsley in 1620 and married . . . . . daughter of William Ive, rector of Gilling, in 1622. They had a large family, all baptised at Oswaldkirk. Thomas also acquired lands elsewhere in the Earl of Rutland's lordship of Helmsley and it is possible that his father was the 'Mr Farfex' servant of Roger, 5th Earl of Rutland, who was present at the Earl's funeral in 1612.[17]

(iii) **Margaret Fairfax,** a child of Guy and his wife Anne (Thornton) according to the will of her grandfather Thornton. She married a gentleman servant of Sir William Fairfax of Walton, at Walton, Nicholas Calverley. Their sons

later settled at Gosberton in Lincolnshire and claimed that their father was of Calverley family of Calverley. He was possibly illegitimate, since his name occurs in no printed Calverley pedigree. The Calverleys were early recusants. A Nicholas Calverley died intestate in York Castle in 1598.[18]

6. ROBERT FAIRFAX.
7. ELIZABETH FAIRFAX.
8. ANNE FAIRFAX, married to 'Mr. Harrington of Roskell (Raskelf, Easingwold?) and after to Mr. Jackson', according to a MS pedigree. Gillow makes this couple the parents of William Harrington, the priest and martyr and identifies them with the Harringtons of Mount St. John, Felixkirk, who were visited by Edmund Campion on his Yorkshire journey. We cannot discover Gillow's evidence for these statements. There is evidence, however, that there was a Harrington family at Mount St. John, that they visited Gilling Castle in the 1580s and removed from their house to some unknown destination, in 1607.[19]
9. MARGARET FAIRFAX, married, firstly, to William Sayer of Worsall, and, secondly, to Richard Maunsell.[20]
10. ISABEL. 11. DOROTHY. 12. CATHERINE. A MS pedigree says that one unnamed daughter married 'Christopher Dobson.'[21]

(E) **SIR NICHOLAS FAIRFAX** knt. of Walton and Gilling, was born in 1498 or 1499 and died on March 30th 1571. His religious views were conservative all through his life. As a young man he was a minor leader of the Pilgrimage of Grace in its earlier stages and was reported to have said that it was a religious matter. However he backed out of the rising, received a pardon and had to sit on the jury which duly brought in verdicts against the other rebels.[22]

He was constantly in public employment, as three times sheriff for the county, Justice for the North Riding from 1530 to 1571, member of the Council of the North from 1548 to 1571. He sat in the House of Commons from 1542-4, 1547-52 (the Parliament which passed Somerset's religious settlement) and 1563-70 (one of those Elizabethan Parliaments which was, according to Professor Neale, so Protestant in tone). He served on a great variety of Royal Commissions, Edwardine commissions to value chantries and church plate, the first Elizabethan commission to deal with offences against the Acts of Supremacy and Uniformity. Thus he was a personage of consequence in the country in a way that none of his forbears except the two lawyers of Steeton had been.

It is true that the archbishop of York in 1564 optimistically classified him as a favourer of Protestantism. But in 1568 Sir Francis Knollys wrote to Cecil that

Sir Nicholas and his eldest son, Sir William, and others, all 'unsound in religion' were in collusion with the northern Earls at Topcliffe and Gilling. He said that he had rebuked Sir Nicholas for setting his affection for the Scottish Queen before his loyalty to Elizabeth. Optimistic Catholics were listing Sir Nicholas amongst the Catholic party in the North. But when the rising began, Sir Nicholas was to be found at the Council table in York and punishing the rebels, while at least one, and probably others of his sons and nephews were out with the rebels.[23]

It is not remarkable therefore that neither he nor his wives, nor any of his sons was ever presented for not communicating. At least two of his sons' wives were persistent non-communicants and their children convicted recusants. Nor is it remarkable that Sir Nicholas, in his will, should have made the York Chapter guardians of the family heirlooms and, fearful that his eldest son would have no children, that he should have tried to secure that the eventual heir should not be a convicted recusant.

In spite of the burden of having to provide for a vast family of younger brothers and of sons, he undoubtedly improved the family fortunes. We have no means of knowing how much his own two marriages contributed to this. His first wife was Jane, daughter of a lawyer and neighbour, Guy Palmes of Lindley. Late in life he married, as her third husband, Alice, daughter of Sir John Harrington of Exton, Rutland and, immediately, widow of Sir Henry Sutton of Averham, Nottinghamshire.[24] Sir Nicholas seems to have benefitted little from the dissolution of the monasteries and chantries. He appealed frankly, but in vain, to Cromwell for the demesnes of some nearby religious house. It was unfortunate for him that the Fairfaxes had been of such little acount in the Middle Ages and of such recent residence in the North Riding as to have no shadow of founder's rights anywhere. Sir Nicholas had been in friendly relations with the communities at Rievaulx and Byland, but no more. The small parcels of monastic land which he eventually picked up on the open market were bought or leased from owners themselves already several stages removed from the original grantees. Also these acquisitions were practically all either soon sold again or made over as the portions of younger sons. It is ironical that the one substantial acquisition of monastic land, the Whitby manor of Dunsley, with its valuable alum, became the seat of the first part of his family to become open Catholics. Sir Nicholas found another by-product of the Reformation – farms of rectories and tithes – a useful means of providing for younger sons. But the bulk of his improved fortunes must have come partly from enclosures, and partly from the fruits of offices. His most lucrative office was the steward-ship

of St. Mary's Abbey, York and its Crown lands – which was accounted one of the half-dozen most important positions of trust in Yorkshire. He was able to pass this job on to his son. He was a pertinacious encloser round Gilling – no doubt with the example at Steeton of the founder of the family fortunes, Chief Justice Sir Guy, in mind.[25]

We get glimpses of his patriarchal existence at Gilling and Walton, his power as a Justice, his forty Gilling men-servants, his great chair embroidered with his monogram. His tomb in Gilling church is large and ornate.[26] He left issue –

1. SIR WILLIAM FAIRFAX. (see (F) below)
2. NICHOLAS FAIRFAX, who was living at Walton in 1564/5. On July 20th 1562 he married Joan, daughter of a neighbour, William Hungate of Saxton and widow of George Remington (probably keeper of the Forest of Galtres) in Saxton church. It is possible that he was the Nicholas Fairfax who took an active part in the revolt of the northern Earls and who was imprisoned at Carlisle. He may well be one of the 'Fairfaxes', 'Papists', who were said to be amongst the exiled rebels in Paris about 1579-80. He was certainly living at Gilling from 1580-82 and was buried there on June 28th 1582, leaving no issue. His name occurs in no proceedings for recusancy.[27]
3. GEORGE FAIRFAX, who was given one sixth of the manor of Dunsley. He married Frances, daughter of Sir Francis Salvin, knight, of Newbiggin near Whitby. His wife was presented at Dunsley as a non-communicant in 1590 and, after the death of her husband in 1598, became a convicted recusant whose recusancy fines occur in the Recusancy Rolls down to 1605. She and her husband were very frequent visitors to Gilling 1571-84.[28] They had issue –

(1) **Henry Fairfax** of Dunsley, who was recognised by Sir Nicholas in 1570 as his heir, should Sir William die childless. Sir Nicholas' will seems prepared for a refusal from Henry of its terms, which are that he must submit to be strictly controlled by a family council, consisting of Sir William, Dame Alice Fairfax, Sir Nicholas' widow, and his uncles, Nicholas and Cuthbert Fairfax, Thomas Hungate and a York Council official, Roger Dalton. If he refuses, Henry is to be disinherited. The explanation of this must lie in the determined Catholicism of Henry's mother. He himself was no Church-Papist. He married Ursula . . . . and he and his wife were presented as obstinate recusants in 1590 and later years. It is likely that his wife was dead by 1594. In 1599 he banded together Whitby recusants to resist distraint on their goods for non-payment of recusancy fines. In November 1602 he was accused of

having contracted a secret marriage 'lately', and thenceforward was repeatedly presented with his wife 'Edith'.[29] He had issue –

(i) Edward Fairfax of Dunsley, who, as the son of Henry, was presented from 1623 to 1636. In 1633 he was accused of a secret marriage with Barbara Shinning and thenceforward presented with her. In 1632 he compounded for his recusancy fines with the York Commissioners for a fine of £6. 13. 4.[30]

(ii) William Fairfax, son of Henry, of Dunsley, presented in 1623 and 1629.[31]

(iii) Katherine Fairfax, daughter of Henry, presented at Dunsley in 1612 and 1623.[32]

(2) **Ralph Fairfax** of Dunsley, very possibly another son of George. He was presented with his wife Margery in 1603, appears as a convicted recusant with her in the 1605 Recusant Roll and was being summoned by the York High Commission – not perseveringly – in 1607. In 1603 he was said to resort frequently to the house of Cuthbert Fairfax at Acaster Malbis. He died in 1611/12, leaving as his heiress –

Mary Fairfax, who had also been presented as a recusant.[33]

(3) **Roger Fairfax** of Dunsley, son of George, appears as a convicted recusant in the Recusant Rolls for 1598 and 1605. He died, childless, in 1610, leaving as his heiress, MARY (the child of Ralph?) the wife of Edward Goodyear, a Catholic and originally of Sherriff Hutton.[34]

(4) **Ursula Fairfax?**[35]

The Whitby parish registers show that there were Fairfaxes in and around Dunsley – either descendants of George Fairfax or of Cuthbert Fairfax – until at least the end of the eighteenth century. But the regular ecclesiastical presentments and the spasmodic Quarter Sessions presentments after the Restoration contain no Whitby Fairfax names. It is odd that they should have lapsed in an area that was better served by priests, safer, and more thickly populated with Catholics than any other part of the county.

4. THOMAS FAIRFAX. There are several mysteries about this fourth son of Sir Nicholas. According to modern printed pedigrees, he was fellow of St. Catherine's College, Cambridge in 1564, University preacher in 1569, canon (? almost certainly prebendary) of Carlisle 1578 to 1595 and chaplain to Toby Mathew, Bishop of Durham. There is no manuscript evidence for this identification. One MS family pedigree – for what its evidence is worth – identifies this Thomas with a Thomas Fairfax of Sheriff Hutton of whose existence there is much other evidence and whose close connection with Sir Nicholas, farmer of Sheriff

Hutton rectory, is clear. While it is not impossible that a son of Sir Nicholas should have become a clergyman in the Carlisle diocese, it would be more natural (and there is one piece of evidence for this) to suppose that the Carlisle prebendary was a son of Sir Nicholas' brother, the married ex-priest and rector of Caldbeck in Cumberland. The one Visitation pedigree of the Fairfaxes of Cumberland seems to lack one generation at this time.

Thomas, fourth son of Sir Nicholas married 'the daughter of Mr. John Vaux' and he and his wife were frequent visitors to Gilling. They had issue –

(1)? **William Fairfax**, citizen and goldsmith of London. There is a will of this man, dated December 2nd 1595 and proved on December 8th. In this he mentions his mother's brother, Mr. Edward 'Vausse' of Cuckfield, Sussex and leaves £25 each to his brothers, who have the familiar names, Thomas, Nicholas and Cuthbert Fairfax, and his sisters, Jane and Anne. He married Apollonia, daughter of George Southaike, grocer of London, who afterwards married Thomas Browne, a proctor of the Court of the Arches.[36]

(2)? **Thomas**, (3)? **Cuthbert Fairfax.**

(4) **Nicholas Fairfax**, who is mentioned in the will of his uncle Edward Fairfax, in 1589, as the son of his brother Thomas. It is possible that this Nicholas was the Nicholas Fairfax of Scawton – a part of the Gilling estate – who married Dorothy Fairfax in 1592 and, in 1597, acquired property in Welburne, Wombleton and Skiplam from Conyers Savile. This same Nicholas and his wife Dorothy, of Welburne, conveyed a sixth of the manor of Dunsley to John Blanchard and William Fisher in 1599. In Sir William Fairfax's 'Book of Arms' of 1582, Thomas Fairfax, fourth son of Sir Nicholas is placed in Langbargh and Whitby Strand wapentake – an indication that he at least held property there. Nicholas died at Welburne in 1611. His widow, Dorothy Fairfax, was presented as a recusant in 1637.[37] They had issue –

(i) Thomas Fairfax, aged 14 in 1611.

(ii)? Prudence Fairfax of Welburne, who married Ralph Watson of Gilling in 1615.[38]

(iii)? Mary Fairfax of Welburne, who married Thomas Scaif of Brayton in 1617.[39]

And if we are to identify the fourth son of Sir Nicholas with Thomas Fairfax of Sheriff Hutton –

(iv) Anne Fairfax, daughter of Thomas Fairfax of Sheriff Hutton, married to Francis Fairfax, son of Gabriel of Steeton. She was a recusant in 1603, at Hutton's Ambo.

(v) Mary Fairfax? of Sheriff Hutton, married to Edward Goodyear in 1600. She and her husband were Catholics.

5. ROBERT FAIRFAX, who was almost certainly the Robert Fairfax who was living alongside Cuthbert Fairfax at Acaster Malbis from at least 1569 to 1582. He received a sixth part of Dunsley and married . . . . daughter of John Spencer of Yedingham. It is also possible that he was the 'Mr. Robert' who married an unidentified 'Mrs. Urselie' at Gilling on Sunday January 8th 1580. He and his wife and children were frequent visitors to Gilling 1578-80.[40] He had issue –

(1) **William Fairfax**, who was mentioned in 1589 in his uncle Edward's will. In 1582, according to the 'Book of Arms' he was living in the wapentake of Ryedale – that is, in the neighbourhood of Gilling. There are grounds for thinking that this William had a son, **William Fairfax**, to whom, in 1600, presumably at his death, he transferred his sixth of Dunsley.[41] This second William may possibly be identical with –

a **William Fairfax** of Lodgefield, Ampleforth – a farm lying well away from the village and under the Gilling castle hill. He married Elizabeth Wycliffe of Stainsby in 1597. The fine of 1600 for the transference of the Dunsley property was between William Fairfax senior and William Fairfax junior and his wife Elizabeth. William married, secondly, Joan Foster and died at Lodgefield in 1615 leaving three young children by his first wife and his second wife with two children of her own, Elizabeth and Joan Foster alias Fairfax. Unfortunately for this identification, there seems to be no signs that William of Lodgefield or his son Evers Fairfax had anything to do with Dunsley – unless we can surmise that William originally lived there (and so took a wife from Stainsby, which is in that neighbourhood) and then made over his share in Dunsley to Sir Thomas Fairfax of Gilling in return for the farm of the rectory and tithes of Ampleforth, which he certainly held at his death and which was then so much his that it passed to his son and then to his son's widow. He had issue –

(i) Evers Fairfax, whom he committed to the guardianship of Sir Thomas Fairfax of Gilling, the executor of his will. Evers married Barbara Rose of Husthwaite in 1625, by whom he had one child, ELIZABETH FAIRFAX. His widow retained the farm of the rectory of Ampleforth and lived in Easingwold. She eventually married Ralph Lutton of Knapton.

(ii) Anne Fairfax, who was the ward of the Catholic Catherine, Lady Fairfax of Gilling.

(iii) Katherine Fairfax, the ward of Sir Thomas Bellasis. It is likely that she

married John Readshaw of Owston (a Bellasis property) in 1616.[42] Another possible identification of William grandson of Robert Fairfax is with the **William Fairfax** of East Newton Grange, who married Eleanor Barton of Cawton and died in 1620 and whom we have already mentioned as possibly a son of Guy Fairfax, brother of Sir Nicholas. The only advantage of this identification is that William of East Newton certainly held and transmitted a share in Dunsley to his son. But he could equally have received it through Guy Fairfax, Sir Nicholas' nephew. We have no guarantee that Sir Nicholas divided Dunsley symmetrically amongst six of his sons, excluding nephews.

?(2) **Jane Fairfax**, daughter of Robert Fairfax of Little Ruston. She is identified as a daughter of Robert son of Sir Nicholas in modern printed pedigrees, which produce no other evidence than the Visitation pedigree of the Lamplughs (she married Thomas Lamplugh of Little Ruston).

6. EDWARD FAIRFAX, who also received a sixth of Dunsley. He married firstly, Margaret, daughter of John, Lord Mordaunt and widow of William Acclam of Moreby Hall in the East Riding. Margaret and her first husband were amongst the first Yorkshire Catholics to engage the attention of the York High Commission. They were vainly summoned to conform from August to September 1565. Then there is no record of further proceedings against them until after the death of William Acclam. In December 1570, Margaret Acclam, widow, produced a certificate that she had conformed by communicating at Stillingfleet church. There seems to be no record that either she or her second husband, Edward Fairfax, troubled the authorities. By this marriage Edward became the guardian of his wife's children by her first marriage. At some time before 1584 Margaret died and Edward married Elizabeth, daughter of . . . . Lepton of Kepwick and widow of James Westropp of Westropp, Pickering Lythe. He died, without issue, at Cornbrough, Sheriff Hutton in 1589.[43]

7. CUTHBERT FAIRFAX, who also received a sixth of Dunsley. He began to live at Acaster Malbis in 1576, received a grant of the rectory and tithes there in 1579 and died there in 1606. He married Mary Whitmore at Gilling on January 15th 1575/6. There never seems to have been any charge of religious nonconformity against Cuthbert, other than receiving his recusant nephew, Ralph Fairfax of Dunsley, frequently into his house at Acaster. But his wife was in trouble for her recusancy from at least 1586 to 1596, and, at the latter date, stood excommunicate and contumacious. Cuthbert died in 1606, by which time he had accumulated no less than four sixths of Dunsley.[44] He had issue –

(1) **Nicholas Fairfax**, who married Jane, daughter of William Hungate of

Sandhutton Grange, Bossall, an heiress. This was very possibly the William Hungate who was classified as 'doubtful or neuter' in religion in 1572 by Gargrave. Nicholas and his wife succeeded to Sandhutton Grange, and Nicholas, in 1606, came into his father's share of Dunsley. He and his wife were presented as non-communicants in 1603/4 and she was convicted as a recusant, although Nicholas seems to have avoided this extremity himself. He died in 1609, leaving the Dunsley estate to his wife for their five small children.

His widow Jane had a long career as a recusant before her. In 1611 she took the new Jacobean Oath of Supremacy before her uncle Robert Hungate J.P. and later married Thomas Allanson of Sheriff Hutton. The marriage took place, as they later declared, in Allanson's father's house at East Lilling (a deserted spot, long depopulated), by the rites of the Book of Common Prayer, performed by a Thomas Gregson, lately curate of Raskelf, but then suspended. The Allansons went to live at Sandhutton Grange. Thomas Allanson was as circumspect as Nicholas Fairfax. Although occasionally presented for harbouring Catholic servants, he himself was only once presented as a non-communicant and never convicted as a recusant. His wife, on the other hand, whatever her conduct about the Oath (and it is perhaps significant that her barrister and J.P. uncle also lived in Sandhutton) and her second marriage, was steadily fined for her recusancy. But the fines did not fall on the Sandhutton and Dunsley estates, which she held in the name of her children. The fines fell merely on her own dower, land at Garrowby and elsewhere. In 1632 she compounded with the York Commissioners for her fines at £10 a year. She was still, a widow again in 1641, a recusant.[45] By her first husband she had issue –

(i) Hungate Fairfax, who was under the age of seven in 1609. He married Anne Thweng, who was almost certainly one of the Catholic family of Thweng of Heworth and herself a recusant of some years standing. It is likely that she was the Anne Thweng who was presented as a recusant of six months standing, when living with the Allansons at Sandhutton Grange in 1604. Her recusancy remained open, while that of her husband was covert. He was presented as a non-communicant once only – in 1629 – and seems to have eluded conviction as a recusant. He died in 1638, apparently without issue. His widow married Matthew Gale of Acomb Grange, York, a recusant. Both were thenceforward presented at Acomb down to the Restoration.[46]

(ii) Thomas Fairfax, on whom his mother settled her Sandhutton estate. He married Elizabeth, daughter of Isaac Mountaigne (or Mountain) of Westow, the grand-daughter of a Hungate of Saxton and the niece of George Mountain, Archbishop of York. Thomas was thus placed in a heavily official family atmosphere. It is perhaps for this reason that there is no trace that he or his wife and family were ever presented for non-conformity. He fought in the Civil War on the King's side and was a great sufferer for the cause. He was also interested in the development of the alum at Dunsley and claimed at the Restoration that he had spent great sums on alum mining. His son Isaac Fairfax got into his hands the whole of Dunsley manor and was the ancestor of the Protestant Fairfaxes of Ellerburn. [47]

(iii) Nicholas Fairfax, who died unmarried.[48]

(iv) Katherine Fairfax, who was presented as a non-communicant while living with her mother at Sandhutton in 1623, unmarried. She married John Clemitt (or Clement) in 1625.

(v) Elizabeth Fairfax, also presented at Sandhutton in 1623. She later married .... Foster of Moreton. [49]

(2) **Thomas Fairfax**, who received as his portion his father's share in the rectory of Acaster Malbis. He married Elizabeth Terry of York in 1604 and was possibly of Beverly in 1627. There is no evidence that he was a recusant. [50]

(3) **Francis Fairfax**, who also received a share of Acaster rectory. He went up to Cambridge, but left the university to live at Gilling castle as the ward of Sir Thomas Fairfax of Walton (the 1st Lord Fairfax of Emly). According to Francis' own story, on October 5th 1620, Sir Thomas secured from him a grant of his share of Acaster rectory under certain contingencies. If this story be true, it is the second case in which we have seen Sir Thomas adjusting the dispersion of the family property amongst its cadet lines, taking back into his own hands important properties, which, like medieval apanages, were in danger of slipping permanently away from the control of the head of the family, and, apparently, offering some alternative accomodation. (the other case was probably that of William Fairfax of Lodgefield who seems to have yielded to Sir Thomas a sixth of Dunsley in 1615, in exchange for the rectory of Ampleforth. There is some evidence that Sir Thomas may have given this share of Dunsley to Francis, or at least to his brother Hungate, in exchange for a share or shares in Acaster rectory. Acaster, of course, was a Fairfax of Walton manor.) Then – Francis' story ran, Sir Thomas set on Jane, the widow of Francis' brother Cuthbert, to sue Francis before the

Council of the North for debts due to her. Whatever the outcome of the case – which Francis pursued with great pertinacity for years, the Gilling estate was paying a small pension to Francis and his brother Thomas in 1639-41. There is no sign that Francis was a Catholic.[51]

(4) **Edward Fairfax** of Acaster, who died without issue in 1610.[52]

(5) **Cuthbert Fairfax**, who married Jane . . . . and was dead by 1623. It was this Jane for whom Sir Thomas Fairfax of Walton tried to secure the rectory of Acaster. Francis describes her, in the English bill in Chancery of his lawsuit, as Cuthbert's 'supposed wife.' This may be an indication of a Catholic marriage, although Cuthbert and Jane do not appear in any prosecution for recusancy.[53]

(6) **Jane Fairfax**, who married . . . . Hutton.

(7) **Mary Fairfax**, who married . . . . Killingbeck.

(8) **Elizabeth Fairfax**, married to John Jackson.

(9) **Mabel Fairfax.** (10) **Helen Fairfax.**

(11) **Margaret Fairfax**, who died unmarried at Fenton, York, in 1617.[54]

8. HENRY FAIRFAX, sixth son of Sir Nicholas. He is said to have married 'the daughter of Lucas', was a frequent visitor to Gilling 1571-84 and died without issue in 1588.[55]

9. MARGARET FAIRFAX, 'under age contracted to Mr. Anne of Frickley, was married to Sir William Bellasis of Newbrough Priory.' Sir William was accounted by one contemporary observer a Catholic, by another a definite Protestant. Neither he nor his wife were ever presented for not communicating. Actually the religious history of the Bellasis family (still unstudied) seems to have been parallel to that of the Fairfaxes, their close neighbours and close family friends. Thus two of the sons of Sir William and Margaret had recusant wives. Recusancy, open amongst the woman, covert amongst their husbands, is relatively frequent amongst the younger children of the Bellasis family for two or three generations. Finally, as in the Fairfax family, and also after the same intermediate period of family division, the head of the family came out into the open as a recusant, in the mid-seventeenth century.[56]

10. ELLEN FAIRFAX, was married in 1548, when a mere child, at Gilling church to a child husband, Thomas Boynton of Barmston. The marriage was declared invalid for lack of consent, in 1556 and Ellen then married John Vavasour of Haslewood.[57]

11. ELIZABETH FAIRFAX, who married Robert Roose of Ingmanthorpe. There seems to be no adequate pedigree of this family in print. A James Roose of

Ingmanthorpe was a Catholic prisoner in York Castle in 1599 – possibly a son of Elizabeth.[58]

12. MARY FAIRFAX, who was married to Henry (later Sir Henry) Curwen of Workington, Cumberland, at Gilling church in 1548, on the same day that her sister married Thomas Boynton. In 1556 their marriage was unsuccessfully challenged, on the grounds that Curwen had previously contracted a child-marriage with Agnes Wharton. After the Gilling marriage the Curwens lived at the castle for two years and their son Nicholas was born there. It is not clear what Sir Henry's religion was. A bishop of Carlisle could think him an atheist. Certainly his daughter Mabel, who married (Sir) William Fairfax of Steeton, was presented as a non-communicant, as we have seen.[59]

(F) **SIR WILLIAM FAIRFAX** knt. of Walton and Gilling, was aged 'forty and upwards' in 1571, when he succeeded to the estate and headship of the entire Fairfax family. He had been knighted at Berwick in 1560, in his father's lifetime, while leading a contingent in the Scots war of the beginning of Elizabeth's reign. Gilling quartered a Scots prisoner for a period after this – a valuable acquisition coveted by other Yorkshire gentry. Sir William first married Agnes, daughter of George, Lord Darcy, but she died young, leaving him a childless widower by 1571.

In 1568, Knollys had thought Sir William 'unsound in religion' and he was involved with his father in friendships with the Northern Earls. Gargrave, in 1572, accounted him one of the more circumspect of the Catholic-minded. He married a second time, most likely in 1573-4, Jane, daughter and heiress of Brian Stapleton of Burton Joyce. It is not clear what the religion of this lady was, but certain that neither she nor her husband was ever presented for not communicating. Such evidence as there is all goes to show that after his accession to the estate and his marriage Sir William was officially regarded as a safe Protestant. He succeeded his father in all his offices, and, in 1577, received an important addition. Huntingdon, the President of the Council of the North, then vouched to Walsingham that Sir William was now free from suspicion in matters of religion.[60] On this recommendation he was made a member of the York High Commission, a post which involved him more directly and officially in the campaign to stamp out that post-Catholic religious conservatism which had been so evident in his own earlier career. It would associate him still more closely with the Anglican ecclesiastical authorities in York, since the Archbishop and Dean of York and ecclesiastical lawyers were the most

prominent and active members of the High Commission. This was not quite so definite a change in Sir William's allegiances as it may seem, however. His father had sat on the first Elizabethan Commission. The ordinary business of the High Commission (which was not infrequently peripatetic and a sort of double and reinforcement of the ordinary ecclesiastical juridical system, borrowing its methods and even its officials) was normally conducted by a small nucleus of officials and Sir William was not very often present at sessions of the Court. But at least he was present at the examination of numbers of recusants and at the imposition of the Oath of Supremacy, which he must have taken himself. On at least one occasion he set his sprawling and decorative signature to a court order for the immediate defacement before the eyes of the judges of 'certain massinge stuffe' discovered by a pursuivant. Finally, of course, as a member of the Council of the North he would be incidentally concerned with the suppression of Catholicism, and, as sheriff, with the collection of recusancy fines.[61]

He was certainly prosperous, but not very wealthy. He made no notable purchases of lands. He rebuilt Gilling, but on no great scale, and the rebuilding of medieval houses with Italianate or Flemish interior decorations was then the fashion. When compared with the famous houses built at this period, or even with smaller local new houses, such as that of his friend, Sir Robert Stapleton at Wighill (said, with some malicious exaggeration, to be 'a palace, the model whereof he had brought out of Italy, fitter for a lord treasurer than a knight of Yorkshire') Sir William's additions at Gilling were modest. They were carried out over a period of years. The heraldic frieze in the Great Chamber and the genealogical windows reflect the family pride of his class. The Fairfax arms were now in occupation in many wapentakes in Yorkshire. Fairfax himself took pleasure in contemplating the glories of Elizabethan Yorkshire, the vale of York 'the best vallie that ever was in all Europe', teeming with towns, coal mines (xxiiij) and, most important, its gentry, the cradle of whom was the Ainsty –

> 'it may and dothe playnlie appere some myle weste of Tadcaster thear is wthin some seaven or eight myles circuyt threscore and seaventeen manner houses, wheareof the worste of them was esquier of an auncient contynewance ...'

Sir William's frieze and its key, his 'Book of Arms' of the gentry of Yorkshire in 1582, were the forerunners of a whole series of genealogical and archaeological studies fostered by the Fairfaxes to hymn the nobility, and, equally important, the industrial and commercial vigour of their family and class.

He was, like his father before him, an encloser and improver of his lands

in Yearsley, Grimston and Cawton, adjoining Gilling. Walton seems also to have been improved. In 1579/80 the park there, two miles in compass, had no game in it nor was 'charged with any meeres for bearyng of Foales.' It was probably, as it certainly was in 1624, a sheepwalk.[62]

The 1595 inventory of Gilling contains what seems to have been his library – 'my bookes remayning at Gilling' – and casts some light on his intellectual and religious interests. Alongside Plutarch, Holinshed, Machiavelli (in French), Froissart, Chaucer, Amadis de Gaul, Tacitus and Caesar (both also in French) are books on gardening, hawking and the conduct of the war in the Low Countries. Religion means for him a background of the 'Biblia magna Hieronimi', 'Promptuarium Hieronimi', 'Meditationes S. Augustini' – doubtless heirlooms – and a foreground of a few distinctively Protestant controversial works of the hour, Fulke's answer to the Rheims New Testament, Bishop Bilson's 'A Sumons for Slepers' and the autobiographical 'Pilgrimage' of John Nichols, an apostate Douay priest.[63]

Perhaps the most interesting part of the Gilling steward's account books which survive for Sir William's time, is the record of visitors from 1571 to 1582. The castle at Gilling and the manor house at Walton and an unspecified house at West Heslerton were Sir William's normal residences, in rotation. He was often in York on business, and spent short periods in London most years. These houses were occupied constantly by a horde of brothers and nephews with their wives and children, constantly coming and going. There was a constant stream of relatives from Workington and my Lady's relatives from Nottinghamshire. Other guests were numerous. There was the Archbishop who twice dined in state at Walton and had a room at Gilling. There were peers with their gentlemen, Lords Rutland, Talbot, Mounteagle, Eure, Lord Willoughby's heir. There were companies of players, 'the Earle of Worcettors plaiers', 'Lord Barklles men and tumblers both', 'Sir Thomas Stannopes musicions'. Then there were constant visits of York officials and officers of the musters. There was a background of workmen altering the castle with 'draughts' bringing stone and wood from Newbrugh wood end, Byland (the two local monastic 'quarries') and Crambe, the carters bringing tithe corn from Sheriff Hutton. Of the visiting gentry, some were definite persecuting Protestants, many were Church-Papist and some recusants. The parsons of Scawton, Gilling and Fryton were often at Gilling and, once, a mysterious 'preist of thoringe (?)' stayed for two days and had his meals in a room alone.

Sir William's later years (1594-98) are a mystery. In 1594 he married his

only child and heir, Thomas, to a girl who came from an East Riding family which, while it was amongst the wealthiest in the county, was also then rapidly turning over to definite recusancy – the Constables of Burton Constable, Hull. At the same time a rapid series of incidents happened which put Sir William at loggerheads with York officialdom. Although he was a prominent member of the Council of the North, he began to cause it trouble, first over 'the precedency of counsell (over gentlemen?)' in the Council and then, as a North Riding Justice, by challenging the power of the Council to remove cases from the jurisdiction of the Justices. For this latter action he was punished – we do not gather in what way. Then, in 1597, he supported the rising Saville interest against the Council's candidate in the York county election. He himself was elected with Sir John Saville, in the teeth of official displeasure. It would be tempting to suppose that this revolt against officialdom was somehow connected with the Earl of Essex and his 'connection' arrayed everywhere against the Cecil connection. An unfortunately undated letter of Francis Tresham to Robert Cecil says that his and Lord Mounteagle's money is all in the hands of 'Sir Thomas Ferfox'. If the letter were written in 1603, this Sir Thomas may well have been Sir William's son – and Mounteagle, or his father, had certainly visited Gilling. But it is more likely that the letter dates from the time of the trials of the Essex plotters in 1601, and therefore that the Sir Thomas Fairfax was of Denton. (Sir Thomas Fairfax of Gilling, Sir William's son, was not knighted until James I's progress to London from Scotland in 1603.)

Sir William did not take his seat in the Parliament, but died at Gilling on November 1st. 1597. Punishment seems to have descended rapidly. His heir was soon petitioning the Privy Council, because an official enquiry was being made into his father's administration as steward of St. Mary's Abbey, York and of Crown lands in the North Riding, and bailiffs were in occupation of Gilling to distrain for debts said to be owed to the Crown. The offices (which had passed down from Sir Nicholas to Sir William) were now taken from Sir William's son and given to others.[64] Sir William had issue –

(G) **SIR THOMAS FAIRFAX KNT. 1ST VISCOUNT FAIRFAX OF EMLY.** (1576-1636)

Sir Thomas was baptised at Gilling on February 5th 1576 and brought up there. He was admitted a fellow-commoner of Gonvile and Caius College, Cambridge on December 8th 1590 – that is, when he was still fourteen years old. He left the university without taking a degree and was married in 1594 to Catherine, the eldest daughter of Sir Henry Constable of Burton Constable.[65]

This marriage was to have a decisive effect on the religion of the family at

Gilling and Walton. The Constables had been quite frequent visitors to Gilling in the 1580s. Sir Henry's wife, Margaret, daughter of Sir William Dormer, was a determined recusant and a harbourer of seminary priests. Her husband was still unconvicted at the time of the Fairfax marriage. Some time between 1596 and 1607 he was convicted and, in 1608, imprisoned. He forthwith conformed. His brother, Joseph Constable, Lady Fairfax's uncle, was a notoriously active recusant, was at one time thought to be a seminary priest, and was imprisoned in 1597. Through her mother, Lady Fairfax was closely connected with important and influential recusant families. Her aunts included Jane, Duchess of Feria, Mary Browne, wife of the heir of the 1st. Viscount Montague, and Catherine, Lady St. John. Her first cousins were the 2nd Lord Montague, Robert, Lord Dormer and Anne, Lady Howard of Effingham. This fact, combined with her husband's Vice-presidency of the Council of the North must have had much bearing on her remarkable immunity from fines and bother for her open recusancy. During much of their married life the President of the Council was Emmanuel, Lord Scrope, who was notoriously lenient with recusants. The Council itself seems to have become – at least, according to its Parliamentary opponents and Wentworth, for once in agreement, more a means for furthering the family interests of its members than an organ of government, before Wentworth came to transform it in 1629. By then, Lady Fairfax was dead.

Lady Fairfax was convicted as a recusant first in 1599 and then again, at regular intervals, until her death in 1626. Her name occurs only once in the Recusant Rolls – in 1612-13 – and there is no note of any collection of fines. Sir Arthur Ingram, the speculator in alum mines and tax farms, was secretary of the Council of the North and, for a time, farmer of recusancy fines in the North. He was a friend of Sir Thomas Fairfax and soon to be connected with the Gilling family by marriage. It was therefore, presumably, through him that Fairfax negotiated his wife's immunity. But it is not easy to disentangle, amongst the influences making for lighter recusancy fines, family interest with the assessors of fines from Royal policy, and both from a movement towards increasing fiscal efficiency. The administrators – above all the farmers of recusants' lands and fines -- can have had little desire to kill the goose which laid the golden eggs. The early fines seem to have been uneconomically heavy, from this point of view. The recusancy compositions of Wentworth's time recognised this. There is, moreover an interesting undated paper amongst Sir Arthur Ingram's Council of the North papers –

'Concerning Recusants. The resolucion of all the judges of England upon deliberacion

upon their severall questions touching popish recusants.

. . . the husband shall not be forced to pay any pte of the penalties for the wifes recusancy but if the wife be committed to the gaole the husband if hee will redeeme her liberty must pay xli. the moneth . . . no informers shalbe admitted agt. any who pay the King . . . It is fitt to binde poore recusants to good behavior. . .'

Lady Fairfax had Catholic maids who accompanied her everywhere. But, whereas there are many cases of lesser men, conforming husbands of Catholic wives like Thomas Allanson, being prosecuted for harbouring Catholic servants at that period, Sir Thomas Fairfax was never presented for this offence. It was also a statutory offence to send one's children abroad to be educated in Catholic schools. Yet Lady Fairfax seems to have persuaded her husband to allow his eldest son to go to Brussels, a younger son to go to the English College at Douay and perhaps a third (in this case with a limited permit from Secretary Calvert) to go abroad, actually to Rome.[66]

We have no means of judging what effect all this had on the mind of Sir Thomas. To judge from his outward behaviour, he remained consistently determined to avoid becoming a recusant and to concentrate on the advancing of himself and his family. A race for baronetcies and peerages had set in and he seems to have been immersed in Yorkshire politics where the Buckingham connection and then the Wentworth reaction against it offered opportunities. He did not succeed his father on the High Commission. But in 1599 he became a member of the Council of the North – perhaps he was forced to wait two years until he could, by dutiful conduct undo the bad impression created by his father's revolt. In 1603 he was knighted by James I in York. In 1608 the President of the Council of the North appointed him a vice-president to preside in his absence – a signal honour –

Good Sir Thomas Fairfax. My intention was to have bene in Yorke my selfe this next sitting. But contrary to my expectation I am deteyned heare aboute the businesse of that Gov'mte and therefor must appoint one to supply the place of the Vicepresident for the sitting Tyme, and being well assured of your integrity and love of Justice, I doe praye you to undertake that chardge. .

From the Courte at Whitehall this 24 of February 1608

your verie loving freind

R. Sheffeild.

Postsc. Although it is not usuall for any to supply this plce whose wyves are Recusants, yet my good opinion of your selfe and the hope that I have of your owne freedom from that secte will not suffer me to admit of that barr to your imployment.

To my verie loving freind Sir Thomas Fairfax of Walton knyght give these with all spede.'[67]

In 1616 his vice-presidency was renewed as a reward for his 'rare and religious endeavours.' He was also a North Riding Justice, but his appearances on the bench were few and far between.[68]

It is not easy to reconstruct the moves which led up to his achievement of a peerage, in January 1629. He had dealings with Wentworth in January 1617/8 when Wentworth seems to have proposed to sell a tenement he owned in Walton without reference to Sir Thomas. Wentworth wrote to pacify him and said he wished to 'preserve future good will betwixt our houses.' They were both ambitious men. In April 1619 they composed their differences about the commons of Thorpe Arch and Wentworth ended his letter about this, of April 3rd –

'my service to your Lady,

your assured and affectionate Cozen. . .'

Then came the 1620 county election, and a letter of Wentworth to Sir Thomas of Walton of December 3rd 1620 reveals a good deal –

Sir, I was at London much entreated and indeed at last injoined to stand with Mr. Secretary Calvertt for to bee kt. of this shire the next parlt. . . . (afterwards) I perceaved that some of your freinds had motioned the like to Mr. Secretary on your behalfe and were herein engaged. Yet hearinge by my cozen Middleton that hee moveinge you in my behalfe for your voices, you were not only pleased to give over that intendment but freely to promise us your best assistance I must therefore confesse I cannot forebeare any longer to write unto you how much this curtesie deserves of mee. . . .'

On December 8th Wentworth wrote to George Weatheridde to make certain by getting Lord Rutland 'to move Sir Henry Constable and Sir Thomas Fairfax of Gillinge to labour their freinds' for Calvert in the election. This was Francis, 6th Earl of Rutland, a Catholic and Privy Councillor and Buckingham's father-in-law. There is evidence that he was friendly with Sir Henry Constable. Thus Sir Thomas Fairfax was counted as well inside the Catholic or crypto-Catholic connection in touch with Buckingham. Constable's son, Sir Thomas' brother-in-law, and a recusant, was created a Scots peer in November 1620.

No peerage materialised for Sir Thomas as a result of this political service – or for Wentworth, who passed into the Parliamentary opposition. Amongst the Fairfax papers there are numbers of MS reports of Parliamentary motions, protests and Royal speeches of the period 1621-28. It is clear from their endorsements that Fairfax was in London during parts of this period. It is likely

that Henry Bellasis, who was an M.P., supplied the copies.[69]

Fairfax had several reasons for being in London. In 1628 he was sheriff of Yorkshire which necessitated one visit. Then, as we have seen, there were other personal reasons. In 1623 Francis Fairfax of Acaster, his ward, brought a Chancery case against him. The plaintiff made two dangerous moves. He charged Sir Thomas with having brought a case concerning his own interests before the Council of the North, of which he was a vice-president, and of which his estate steward, John Ibson, was a secretary. The second move perhaps lay in challenging the marriage of Francis' brother Cuthbert, whose widow, Jane Fairfax, was Sir Thomas' excuse for the Council case. The marriage was said to be 'supposed' – perhaps, that is to say, Catholic. This was a dangerous case to bring up when the Parliamentary opposition was deeply suspicious of the Council of the North, not only as a prerogative court, but as tender towards Papists – witness the Commons petition to the King of March 11th 1626 against the President's behaviour towards Catholics. The Chancery case dragged on for years and led to a demand by the Privy Council for the papers of the original Council of the North case, in terms which imply that the House of Lords was now (1628), concerned with the case. Thus Sir Thomas had reason to be anxious and to need the support of friends if the opposition in the Commons took notice of the affair.[70]

It is an interesting fact that Wentworth, having gone over to the King, was created a peer on July 22nd 1628, because it was on July 19th – three days before – that a letter passed from the King to the Attorney-General ordering him to prepare a bill for signature to create Sir Thomas Fairfax (of Gilling) Lord Viscount of Kilbarry. This may be a mere coincidence and Fairfax, urged to a frenzy by the fact that Sir Thomas Bellasis and Sir Thomas Fairfax of Denton had already beaten him in the race for peerages, may have used other family influences and stormed the Privy Council with begging letters (as the Denton Fairfaxes did). But it is likely that his friendship with Wentworth helped.

The patent for the peerage, however, hung fire. It was not issued until January 10th 1629 and delivered to Fairfax until February 4th, and then changed his title to Emly. The explanation of at least part of the delay is given in a letter from Ferdinand Fairfax of Denton, written from the Strand to his father, the new Lord Fairfax of Cameron at Denton, on February 5th –

> 'My cousin Will was with me yesterday, but speaks nothing of his business nor I to him. I perceive he bears himself now much by his great kinsman, my Lord Viscount Fairfax, who had his patent delivered yesterday but of what place in Ireland I know

not. His friends say he paid but 900li. But it is most certain it cost him at least 1300li;

To judge from the difficulties Lord Fairfax of Denton had had in coping with the rapacity of officials in 1627, when he begged and bought his Scots peerage for £1500 and fees, it is not surprising there were delays. Then there was a hitch which nearly proved fatal at the last minute, if we are to believe the same correspondent, writing on February 13th –

'The Lords have had very little to do, and in this their time of ease have fallen very foul upon the foreign honours. They sent to the Signet Office and there started my cousin's patent ready to pass. After they had perused and considered it, they appointed a committee to frame a declaration of their rights, which they instantly voted. . . [They objected to Fairfax of Emly being given precedence over English barons] He is much offended that his patent (which I was informed passed the seal two days before. .) should be the subject of their discourse and humours, and would gladly now go back, but he is engaged for the money and will get no abatement. My Lord Fauconberg [Fairfax's relative, himself barely eighteen months ago created an English baron and recently in trouble himself in the Lords about precedence] was the man that gave him both the wound and the plaister: he occasioned the search and then excused himself in commending his estate and family, wherein he has done himself small honour and occasioned an injury which may justly work an ill-affection hereafter. . . The King cannot in honour grant. . [the Lords' petition].'

There is no sign that Fairfax went to Dublin to take his seat in the Irish House of Lords in the 1628 Irish Parliament. Nor does any later Lord Fairfax ever seem to have sat in the House.[71]

In spite of this worry and expense, Fairfax continued to improve his estates. He had lost the family stewardship of Crown lands, but was an extensive farmer of tithes and rectories and continued to enclose Yearsley moor and be interested in enclosures elsewhere. He bought lands – the manor of Coniston in Holderness, half the manor of Tunstall with lands in Hartlepool, co. Durham. The Bellasises, owners of Yearsley, found it necessary to halt his progressive enclosures there by granting him in compensation a lease of Eavenwood park, co. Durham held of the Bishopric, and Thorpe Grange. Fairfax was an extensive grazier, with 388 sheep at Gilling and 685 at Walton in 1624.[72]

The Catholic tendencies, or at least, influences surrounding him, were removed by the death of his wife, most likely in 1626. But already, in about 1624, a crisis had arisen – from his point of view – by the return of his heir from Brussels as a definite Catholic and therefore liable to become at once a

convicted recusant. The future of the estate and so much accumulated by the patient labour and ambition of generations seemed to be at stake. Lord Fairfax hastily hustled his son away from Yorkshire. The story of this is told in –

'The Examination of Anthony Vandenhanght borne at Macklyn in Brabant late servant to Sir Robert Hodgson of Hebborne in the county of Durham knight, taken afore us his Maiesties Justices of the peace [at Newcastle] . . . the xxth of Maie 1626. Whoe saith that above five years since being at Brussells he was entertained by Mr. Thomas Farefax sonne of Sir Thomas Farefax of Gilling. . . with whom he continued for the space of three years together in the tyme of his travaile beyond seas, and then this examinate attending his said master into England to a place called Walton in Yorkshire being the house of the said Sir Thomas. . . whoe taking dislikeing to his said sonne for his popish recusancy would not suffer him to stay there. But this examinate falling sick was forced to staie at Walton for the most parte of one whole year, and then upon his recovery did repaire unto his said master whoe did then soiourne at Sct. Anthonies in Northumberland nere Newcastle upon Tyne, being the house of Mris. Lawson, whereupon his said master preferred him to the said Sir Robert Hodgson, with whom he continued till Lent last and was then inployed by Mr. Ralph Cole Sheriff of Newcastle . . . by whom he was sent to Dunkirk as he hath already confessed in his examinacion taken before Mr. Maior of Newcastle. . . from when after the despatch of his business he came to Callice.

Being Demaunded what were the names of the three persons which came with him from Callice to Newcastle, and what persons they were and whether he did undertake and agree for there passage or not, and whoe brought the trunks, Fardell and cloake bagg into the ship at Callice.

He denieth that he did either knowe the said persons or engage himself for the payment of there passage, or did otherwise deale for the said persons then as an interpreter betwixt them and the Master of the shipp, because they understood noe dutch yet confesseth that they lodged in one Mr. Emperours house in Callice, as he did, where he understood that they were Englishmen, and he sayth that the truncke belonged to his late master Mr. Thomas Farefax in which was nothing but his masters Cloathes. . .'[73]

After the death of his first wife, Lord Fairfax married Mary, daughter of Sir Robert Forth of Butley, co. Suffolk and widow of Sir William Bamburgh of Howsham, in January 1627. This lady must have been a Protestant. During the rest of his life Fairfax was occupied in arranging the marriages of his children. As we shall see, most of them were married off into the Protestant family circle of the Ingrams. Lord Fairfax seems to have spent much time at Langton and

Howsham. It was at Howsham Hall that he died on December 23rd 1636 and it is a sign of his immersion in the family affairs of his second wife's relations that he was buried at Scrayingham, near Howsham, rather than with his immediate forebears at Gilling, or his ancestors at Walton.[74] In his last days he was perfecting a plan to ensure that, even if the 2nd Lord Fairfax was to be a convicted recusant, the family property should be saved from the pecuniary effects of recusancy and, more, that his eventual heir and family should be Protestant. By a trust, he arranged that his heir should only have the life use of the estate, the property in which and the majority of the family goods went straight to his heir's eldest son, William. Then, by his will, Lord Fairfax arranged that Thomas, Viscount Fairfax and his own second son, Henry Fairfax should take over the guardianship of William and bring him up in the religion established by law. His heir, the boy's father, was to submit to this treatment, under pain of losing to his brother Henry £1,200 set aside from the estate for the child's education.[75] By his first wife, Lord Fairfax left issue –

1. THOMAS FAIRFAX, 2ND VISCOUNT FAIRFAX (see (H) below)
2. HENRY FAIRFAX. It is possible that this was the Henry Fairfax who was licensed to travel abroad in 1621, provided he did not go to Rome. He may also have been the Henry Fairfax who received the scholar's gown at the English College, Rome on October 18th 1615. Some time after 1626, he married Margery, daughter and heiress of Marmaduke Thweng of Over Helmsley and widow of George Wilmer of Stratford at Bow, collector of the petty customs of merchant strangers. His wife was the granddaughter of an Elizabethan Catholic rebel and exile, John Thweng and a relative of the Catholic Thwengs of Heworth, but her family seems to have lapsed into conformity before her time. If Henry, influenced by his mother, had really had early Catholic leanings, his prompt obedience and zeal in the effort to bring up his nephew as a Protestant (as we shall see later) show him as a Protestant in later life. At his father's death, he was well provided for, and, from that time until at least 1641, was resident at Bridlington, heading the town's list of ratepayers. His first wife died in 1632, and he then married Frances, daughter of Henry Barker of Hurst, co. Berks. He died at Hammersmith in the summer of 1650 and was the progenitor of the FAIRFAXES OF HURST, a Protestant family.[76]
3. WILLIAM FAIRFAX, who married firstly Abigail, daughter of John Barker of Ipswich and widow of Sir Edward Waterhouse, a West Riding business associate of Sir Arthur Ingram. It is possible that William was the William Fairfax who had his Majesty's licence to stay in Clerkenwell in 1637-8, since

his wife either lived or had property in Clerkenwell at the time of her death in 1640. They also had some connection with Lythe, near Whitby, and, in 1641, William was said to be of Ugthorpe, in the same neighbourhood. Although the licence and his association with Catholic areas like Clerkenwell and Ugthorpe are facts consonant with Catholicism, there is no trace of proceedings against him for recusancy before his second marriage. Some time after 1640 he married Mary, daughter of the determined recusant, Marmaduke Cholmeley of Brandsby, near Gilling. He and his wife were convicted of recusancy at Brandsby in 1667 and again, when living in the parish of St. John, York, in 1674. His wife was the daughter of the half-sister of the celebrated Mrs. Alice Thornton's husband and the 'Autobiography' of that lady acknowledges a letter of condolence from Mrs. Fairfax on November 20th 1668. William Fairfax received from his father the manor of Coniston, Holderness. He seems to have been buried at St. John's York on December 28th 1677 and his wife followed him on July 30th 1694.[77] They had issue –

[1.] **Charles Fairfax**, who was living in a house in Micklegate, York in 1671. In 1675 he married his first wife, Anne, daughter of . . . . Clerk of York and widow of Charles Walmesley of Stayner Hall, Selby. Anne went to make her confession, with Mrs. Meynell of North Kilvington, to Fr. Nicholas Postgate in York on the morning of his martyrdom, August 7th 1679. In 1680 Charles was said to be a Papist living at Dolebank Hall, Ripon but now removed to York. Dolebank was the house in which Sir Thomas Gascoigne had just set up a nunnery under Mrs. Lascelles. Charles was therefore fortunate to escape being named in the informations given by Gascoigne's colliery manager, Bolron, which led to the trials for the 'Yorkshire Popish Plot' in which the Dolebank plan played a great part. In 1686 Charles had a brief period of prominence under James II, as an alderman of York. Sunderland actually tried – and failed – to have him made Lord Mayor. His first wife was buried in St. Mary's, Castlegate, York on June 23rd 1707. In the same year Charles married Anne Middleton, and on her death (some time before 1712) married Anne, the daughter of (Edward?) Ricardy (of York and Worlaby, co. Lincs.?) and widow of John Molins of York and Hull within Horsington, Somerset, in 1712.

Charles' estates as a Papist were enrolled in 1715. He was comfortably off, with an income of £400 a year. In his latter days he was the heir to the title and on visiting terms with Lord Fairfax. His will is dated March 2nd 1713 and he died without issue, his wife surviving him by less than a year.

By his first wife he had had issue –

(i) Mary Fairfax, baptised Feb. 12th 1676, according to the register of St. Mary's Castlegate, York and buried there May 13th 1677.

(ii) Charles Fairfax, baptised at York April 28th 1678 and probably confirmed there in 1687 by Bishop Leyburne.

(iii) a son with whom Mrs. Fairfax was enceinte when she went to see Fr. Postgate in August 1679 and whose salvation was prophesied by the martyr. The child died in infancy.

(iv) William Miles Fairfax, baptised November 5th 1680, according to the St. Mary's, Castlegate register and buried there on April 25th 1681.

(v)? Francis Fairfax. A child of this name was confirmed by Leyburne in York in 1687. If he was Charles' child, he did not live long.

(vi)? Anne Maria Fairfax, also confirmed in 1687. But this child also did not survive.[78]

[2.] **William Fairfax**, later 8th Viscount Fairfax. (see (M) below)

4. NICHOLAS FAIRFAX, who entered Douay College in June 1619, at the age of thirteen, taking Dormer as his alias. He left Douay in 1624 to continue his studies at Louvain and was still there in 1629, when he was of some assistance to the nuns of St. Monica's, Louvain going to make a foundation at Bruges. After his return to England, he seems to have lived at Gilling, on an annuity of £50 a year out of Acaster Malbis and a further £32 a year from Sir Thomas Metham in repayment of a debt to his father. It is likely that he was the Nicholas Fairfax of 'co. York' who petitioned the Committee for Compounding in 1648 to evade sequestration on the grounds that he had only served in the Royalist forces for a short period at the beginning of the Civil War and had then retired to live in the country. No order for sequestration seems to have been issued. He also may have been the Nicholas Fairfax who was said to have negotiated a loan of £1,350 from William Wright of Plowland, senior, for (John, 2nd?) Lord Dunbar (his cousin?). He married Isabella, daughter and co-heiress of Thomas Beckwith of Acton, near Pontefract and, in his later years, lived at Tanshelfe in Featherstone parish. The Beckwiths were a partly Catholic family and his wife's step-mother, aunt and sister were certainly Catholics. Nicholas died at Featherstone on December 18th 1657 and was buried in the chancel of the church.[79] He left issue –

(1) **Thomas Fairfax**, who was certainly a priest and, very likely the Thomas Fairfax alias Beckett S.J. who entered the Society in 1675 (Thomas was baptised at Tanshelfe on October 20th 1655, two years before his father's

death) and later had a notable career as an early anti-Jansenist writer and as a fellow of Magdalen College, Oxford in James II's reign. He died in 1716.[80]

(2) **Katherine Fairfax** who married the Catholic Thomas Waterton of Walton Hall in 1670.

(3) **Eleanor (Helena) Fairfax**, who remained unmarried and, in 1715, lived in London, closely associated with the Widdrington family. She was a Catholic, and still alive in 1717.[81]

5. JORDAN FAIRFAX.

6. JOHN FAIRFAX. John was baptised, according to the Gilling register, on March 3rd 1611. He witnessed a deed at Gilling in 1631 and, in his father's will, made in October 1634, he and his brother Jordan are spoken of as being apprentices to merchants in London, and are each given £400 'to be ymployed in ther several stocks'. In 1650, their brother Henry, in his will, calls them 'merchants of London' and makes them guardians of his children. In 1662 Jordan witnessed Sir Thomas Chamberlain's certificate that Thomas Papillon, the London merchant and banker, had been a Royalist. We know nothing of the religion of the brothers.[82]

7. MARY FAIRFAX, the eldest daughter of the 1st Lord Fairfax, according to the Scrayingham M.I. to her father , and married to Sir Thomas Layton of Sexhow. There is no sign that Sir Thomas and his wife were Catholics. They lived at Walton certainly up to 1624, where their two first children were born.[83]

8. JANE FAIRFAX, who married Cuthbert, son of James Morley Esq. of Normanby and Hawnby, round about September 18th 1634. She died young, before 1642. Neither she nor her husband were presented as Catholics.[84]

9. MARGARET FAIRFAX, who was baptised at Gilling on May 14th 1614. She was, by 1634, the wife of Watkinson Payler of Thoraldby, heir of Sir Edward Payler bart. Her first husband was dead by 1642, and she then married John Hotham of Scorborough, but died soon after the marriage and did not witness her husband's disgrace and execution in 1644.

10. KATHERINE FAIRFAX, who was married at Walton on June 11th 1622 to Robert Stapleton of Wighill. She married, secondly, in about May, 1636, Sir Matthew Boynton of Barmston, and, on his death, married in London, in October 1647, Sir Arthur Ingram, the famous financier, of Temple Newsam, Leeds. He died in 1654 and Katherine made her fourth marriage at Langton, in July 1657, to William Wickham of Rousby. She died in 1667.

11. DOROTHY FAIRFAX, who married, after 1632, but before 1634, John Ingram of Temple Newsam. On his death in 1635, she married Sir Thomas Norcliffe of

Langton, Malton, in York, in March 1639. She died at Langton on June 17th 1686, aged 66.[85]

This great succession of marriages is remarkable in several ways. In the first place, there seems to be no evidence that any of these daughters or their many husbands were Catholics. Even before her death, the first Lady Fairfax's Catholic influence was confined to her sons. After her death and her husband's remarriage, the match-making influence of the second Lady Fairfax had full play. It was fitting that she and her husband should have moved to Langton and Howsham. The marriages made henceforward were all into a closely-knit group of families all connected with York trade and officialdom – especially the Council of the North. The marriages of the children of these daughters of Lord Fairfax were, to an astonishing extent, also intermarriages within the same family circle. Thus, to give only one typical example, Margaret Payler's son married his cousin, a Norcliffe. His sister married an Ingram. Mrs. Payler's second husband, John Hotham, was, after her death, to marry as his fourth wife, a woman who was a Bamburgh by birth and a Norcliffe by a previous marriage.

The consequence was that the next – the definitely Catholic – generation of Fairfaxes was to be closely related to this whole complex mass of often, by the 1650s and 1660s, sententiously Puritan (or, perhaps more accurately, devout Anglican) gentry. As we shall see, the typical Elizabethan situation of the family divided in religion, was characteristic of Yorkshire as late as the 1660s and the wholly Catholic family, cut off and ostracised by its kind, had not yet generally appeared. There were conversions and apostasies and covert Church-Papistry still.

Lastly, it is worth noticing that the Fairfaxes of Gilling, though Royalist, had innumerable notable Parliamentary connections. Norcliffe and Boynton were Parliamentary commanders and Colonel John Bright M.P. was a son-in-law of Dorothy, Lady Norcliffe – and he was Commissioner for the sequestration of Delinquents in the West Riding, as Sir Arthur Ingram had been farmer of recusancy fines in the North.[86]

[*Part II, continuing the history of the Yorkshire Fairfaxes in the 17th Century, will appear in a subsequent issue.*]

NOTES.

The following abbreviations will be used –

Bar MS – Archives of the Bar Convent, York. (By permission of the Rev. Mother)
C.R.S. – Catholic Record Society. Record Series.
Ev. MS. – Constable of Everingham MSS, deposited at Ampleforth Abbey. (By permission of the Duke of Norfolk)
Gasc. MS – Gascoigne of Parlington MSS, at the Estate Office, Aberford. (By permission of Sir Alvary Gascoigne)
H.M.C. – Historical MSS Commission Reports.
L.MS – Langton MSS. (By permission of Lt.Col. C.E. Howard-Vyse)
L. & P. – Letters & Papers of Henry VIII. Record Commission.
N.R.Q.S. – North Riding Record Society. Quarter Sessions Records. (8 vols.)
N.R.R.O. – MSS deposited in North Riding County Record Office.(By permission of the Archivist)
S.P.D. – Calendar of State Papers. Domestic.
Test.Ebor. – MS wills at York District Probate Registry.
T.N.MS – Ingram of Temple Newsam MSS, at Leeds Central Library. (By permission of the Archivist)
V.C.H.N.R.– Victoria County History. North Riding.
W. MS – Wombwell MSS, deposited in the library of the Yorkshire Arch. Society, Leeds. This large collection consists half of Bellasis of Newbrough MSS, half of Fairfax of Gilling MSS. The first number cited is the number of a box, the second of a bundle in that box. The MSS in each bundle are not yet numbered. (By permission of Capt. M. Wombwell)
Went. MS – Wentworth Woodhouse MSS, at Sheffield Central Library. (By permission of Earl Fitzwilliam and the Wentworth Woodhouse Settled Estates)
Y.A.J. – Journal of the Yorks. Archaeological Society.
Y.A.S.R.S. – Yorks. Arch. Soc. Record Series.
Y.C.A. – York City Archives, at the Guildhall, York. These include the York & Ainsty Quarter Sessions Books. (By permission of the Town Clerk)
Y.D.R. – York Diocesan MSS, at the Borthwick Institute of Historical Research, York. (By permission of Rev. Dr. J.S. Purvis)

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(1) Y.A.S.R.S.91/9, 60. The best Fairfax printed pedigrees are in *J. Foster. Pedigrees of Yorkshire Families., Herald & Genealogist. VII/pp. 145ff.*, and *J.W. Clay. Extinct & Dormant Peerages in the Northern Counties.* In W.MS. extra bundle, there are seven 17th and 18th century MS pedigrees, which seem to be copies of the pedigree compiled

c.1653 by the Denton Fairfaxes with Dodsworth's help, and of which there are other copies in the Library of Leeds Central Library, Library of Yorks. Arch. Soc., Bodleian Fairfax MSS. There is one MS pedigree in W.MS. 1/14 (10), dated 1657, which shows slight variations and additions.

(2) *J.J. Cartwright. Chapters in Yorkshire History. pp. 64ff.*

(3) Y.D.R. RVI/A. 12. Y.A.S.12/7 (Michael Wentworth of Woolley, recusant) *H.M.C. Various Coll. II/373.*

(4) Y.D.R. High Commission Act Book. 1580-5-ff. 159v, 163. Gabriel's will is in Y.A.S.R.S. 50/129. Visits to Gilling in W.MS. Gilling Household Books. 1571-84. Ainsty Presentments in Y.C.A. Quarter Sessions, Bk.2, incidentally corroborate the details given in *M. Beresford. Lost Villages of England. pp.59-61.* of the total enclosure and depopulation of Steton by the Fairfaxes – 14 Jan. 8 Eliz. 'Gabriell Fayrfax of Steton Esq. owner and sole inhabitant of the Lordshipp or towne of Steton. .' Gargarve's opinion of Gabriel is in *Cartwright. pp.64ff.*

(5) Y.A.J.15/230 prints the Visitation. They were 'contented to communicate at the next communyon.' For the courting see Gilling Household Book, March 16th 1581 –'William Fairfax cam wowing Mrs Mabill Curwine.' There is a copy of the marriage settlement in W.MS.1/17/1. If this William Fairfax – always called a knight in modern pedigrees – was ever knighted, it was after 1600. Deeds and presentments to then consistently call him 'armiger.' C.R.S.22/352&n (recusancy of Sir William's daughters).

(6) This may be the Henry Fairfax of Lund, Kilburn, who married Clara Talbot of Thornton-le-Street in 1591. (Licence in Y.A.J.7/293) Clara was buried at Kilburn April 28th and Henry on August 20th 1602. (Kilburn Registers) Henry's will, made Sept. 6th 1602 (sic) and proved the same day, leaves six small orphan children to the care of Thomas Talbot of North Otterington, Anthony Bierly of Pickall and John Talbot of Thornton-le-Street. For these guardians see *Biographical Studies. ii/1. p.14.* Clara was very possibly a niece of John Talbot the martyr.

This Henry of Lund was neither Henry, son of Sir Nicholas of Gilling (whose will we have) nor any son of his (for he died without issue). It was not Gabriel's brother Henry of Bilborough (whose will we have) nor is it likely to have been his son Henry. In favour of the identification with Henry, son of Gabriel is the fact that Gabriel's eldest son and a daughter held land at Coxwold and Byland adjoining Lund. (Y.A.S.R.S. Yorkshire Deeds. passim)

(7) Gabriel's will (above); *Peacock. Catholics in Yorkshire in 1604.p.117.* Pedigree in W.MS.1/14/10.

(8) W.MS.1/14/10.

(9) *Harleian Soc. Lincs. Pedigrees A-F.p.556.* One of Kelke's executors in 1608 was Francis Fairfax of Sheriff Hutton. (ibid)

(10) See Gabriel's will and *Herald & Genealogist. VI/612.* For Seth Holme of Huntington, co. York, see N.R.Q.S.passim; Peacock (op.cit.) p.118; *Surtees. History & Antiquities of Durham. iii/190* for his manifold relationships to the Fairfaxes through the Sayers of Worsall. He was a visitor to Gilling (Household Books); L.MS. T. Norcliffe's Pedigree Book f.141. (Holme pedigree).

For presentments of Jane Robertes and her son, see N.R.Q.S.iii/99, 138, 181. The Sledmire connection is evident from fines in Y.A.S.R.S.53/74,58/172 and *Surtees Soc. 36/229*.

(11) Y.D.R. High Comm. Bk. 1580-5 f.4,36; will in Y.A.S.R.S.50/127-8n.

(12) W.MS. 1/14/10.

(13) *J. Foster. Pedigrees recorded in Heralds' Visitations of Cumberland & Westmoreland. pp.44,59.*; Y.D.R. High Comm.Bk. 1576-80 f. 147v.

(14) W.MS 5/4 has a deed of 1546 mentioning a close in Grimston late of Miles Fairfax Esq. Y.D.R. Cause Papers. G/512,609, contains the evidence of Miles, of Gilling, for his presence at two Fairfax weddings in Gilling church in 1548. The absence of his name from the Gilling Household Books implies he was dead or removed far away by 1571. Was he one of the 'three of the Fairfaxes' in Paris? (S.P. Foreign. Eliz. 1579-80.279. p.250)

(15) *Clay. Extinct & Dormant Peerages. p.65; Surtees Soc. 106/229* – will of William Thornton in 1545, daughter Anne, her husband Guy Fairfax, Margaret Fairfax. *Harleian Soc. 87. Northants. Visitations. pp.215-6.* Thornton of Peterborough. Guy Fairfax appears in the will of a chapman of Knaresborough in 1558, who frequented Gilling. (*Surtees Soc. 26/127*)

(16) Y.C.A. Sessions Bk. iii. 1571-83. Jan. 11th 22 Eliz. Guy Fairfax of Walton a surety. March 23rd 24 Eliz. Guy and his wife Sisile presented for 3 months non-attendance at church. Guy appears in court and says he is willing to go to church. Y.D.R. High comm.Book. 1580-5. f.3v. 1580, a recognisance imposed on Guy Fairfax of Walton that his wife Sisily shall communicate is forfeit for non-fulfillment. Later, Y.D.R. High comm. Bk. 1585-91. f.73v. 1589? – Cecilia, wife of Guy Fairfax of Walton is still cited for not communicating. See also Y.C.A. Sessions Bk. iiii 1583-6. Oct. 4th 25 Eliz. Guy Fairfax of Walton Lodge presented for not maintaining a road. Gilling Household Books – visitors, Mr Guy Fairfax and his wife at Gilling Oct. 17th 1571; Nov. 30th 1574, Mr Guy dined with my master and mistress; Aug. 31st 1579, Guy and his wife dined at Walton manor; Oct. 17th 1580, Guy at Gilling.

(17) Surtees Soc.62/326-7 (Wills of William and Robert Thornton of East Newton)

On William Fairfax of East Newton – Harleian Soc. Familiae Minorum Gentium. i,/45 and A. Gibbons. Notes on the Lincs. Visitation of 1634. p.139 (Sandwith pedigrees – cp. Oswaldkirk Register. 1541. John Blanchard and Andelyn Sandwith married the 11th July.); Glover's Visit. of Yorks. ed. J. Foster. p.182 (Barton pedigree); V.C.H.N.R.ii,519 (East Newton Fairfaxes' share in Dunsley); Oswaldkirk and Helmsley Registers; Y.D.R. RVI/B. 2.f.225. (William Fairfax's possible nonconformity); Gilling Register (Ive marriage); Test.Ebor.admin. of William Fairfax of Newton and his Inquisition Post Mortem Oct. 21st 1622, seised of a sixth of the manor of Dunsley and by his deed of Aug. 31st 1606 he granted it to Thomas Barton and Christopher Hebden of Stearsby to the use of himself and wife for life and then to Thomas Fairfax, their son. William died Sept. 10th 1620, leaving his son aged 22. (P.R.O. Wards 7/100/69).

Two MS surveys of Helmsley lordship, of 1637 and 1642-7 give the Newton Grange, Helmsley and Beadlom lands of Thomas Fairfax gent. (Feversham MSS. Duncombe Park

Estate Office; N.R.R.O.ZBG) See also Y.A.S.R.S.41/100 – composition for refusing knighthood, 1632, by Thomas Fairfax of Sandwith Grange, Ryedale.

(18) *Harleian Soc. Lincs. Pedigrees. A-F. p.228*, Calverley of Gosbton. Y.C.A. E/41A. Soldiers' Muster Rolls for the Ainsty. 1584.f.41v.ff. Walton – Nicholas Calverley, servant to Sir William Fairfax. See Y.A.S.R.S. 5/172, Calverley doing business for Fairfaxes, 1581. 'Mr Calverley and his wife' were visitors to Gilling – Household Books. passim. Test.Ebor.Admin. of goods of Nicholas Calverley at York Castle Feb. 8th 1597. Unfortunately the printed Calverley pedigrees contain no Nicholas at this period.

(19) Went. MSS. MS Treatises. 44. Hopkinson's MS Yorkshire pedigrees f.235ff; *Gillow iii/137.* The Gilling Household Books contain several references to visits by Harringtons. Some of these may well be relatives of Sir Nicholas' second wife – Harringtons of Rutland. But one entry is clear – Thurs. Aug. 4th (1580) 'dinner, Mr Rowebotome, Mr Harrington of ye mownt.' There is no printed pedigree of these Harringtons of Mount St John. We have not yet searched the York High Commission books for them. The North Riding Quarter Sessions Rolls do not survive before 1603, but N.R.Q.S.i/62 has, amongst recusancy presentments for 1606-7, 'Feliskirk' . . . . . Harrington gent. and Petronell his wife (they and their family are removed out of this parish.)' Test. Ebor.19/469, the will of Sir Nicholas of Gilling, 1570, has 'to the four daughters of my sister Anne xl li. accordinge to and in performance of an awarde made betwixt me and the said Anne by the ryghte honorable the erle of Sussex, Lord President of the Quenes Maiesties Counsell in the North Partes.'

(20) She married Maunsell in 1534/5. (*Notes & Queries. ii/3.88, 176.*

(21) W.MS. 1/14/10.

(22) Y.A.S.R.S.96/5

(23) *Camden Miscellany. 9/70ff.* (York's judgment); *T. Wright. Queen Elizabeth & her times. i/279.* (Knollys' letter)

(24) Harleian Soc. iiii/143.

(25) Sir Nicholas had a small pension from Byland Abbey (P.R.O.E/101/76/24) and the last abbot was godfather of an unidentified John Fairfax (Test.Ebor.17/310). Sir Nicholas leased a small close of land from Rievaulx Abbey before the dissolution (Surtees Soc.83/319) and provided William Wetherall, a native of Gilling and monk of Rievaulx, with a title of £5 in Gilling in 1539 (Y.D.R.Reg.Lee.Ordination April 5th 1539). The begging letter to Cromwell is L. & P.xiv(i) 47. Sir Nicholas acquired the following monastic lands –

1. of Byland – lands at Bentley and Bretton, probably only leased from the grantee and soon relinquished. (Cal.Pat.Rolls 1557-8 441); lands in Fawdington – later sold. (L. & P. 1545. i /1081g. 58)

2. of Whitby – manor of Dunsley, bought of a Halifax clothier who was not the original grantee. (V.C.H.N.R. i/366)

3. of St. Mary's, York – the grant of the receivership (Cal.Pat.Rolls 1555-7.387)

Acquisitions of advowsons, tithes –

1. farm of the rectory and tithes of Sheriff Hutton – apparently from Sir Henry Curwen –

from at least 1554 (Y.D.R. Cause Papers. G/1824; 3118; 3148) This was in the family until at least 1650 (Y.A.J.31/276) and worth £200 a year in 1624 (Sheriff Hutton Survey. T.N.MS B.4/1). There is occasional mention in Gilling Household Books 1571-84 of 'draughtes' bringing tithe corn from Sheriff Hutton.

2. farm of the tithes of Ampleforth. (Known incidentally from Y.D.R. Cause Papers. G/2177; Test.Ebor.33/575 – farmers 1584, John Fairfax; 1615, William Fairfax; 1615-1630s his son Evers Fairfax, then Evers' widow, Barbara Fairfax).

3. Farm of tithe of Appleton in Ryedale. (Y.D.R. Cause Papers. G/1812)

4. advowson of Sockburn, bought 1540, sold 1568. (V.C.H.N.R. i/449)

Acquisitions or sales of other lands –

1. a manor in Ampleforth, 1565, bought from the Crown. (V.C.H.N.R. i/462)

2. manor of Coulton, 1564, bought from the Worsleys of Hovingham: (V.C.H.N.R. i/507)

3. manor of Copmanthorpe, sold to Thomas Vavasour by 1543-4 (Trans. East Riding Antiq. Soc. xviii/73-4)

4. Sir Nicholas, over a long period, began a policy of buying up and enclosing lands adjoining Gilling, in Grimston and Yearsley. See W.MS 5/4,a 17th century summary catalogue of (now lost) Gilling deeds for Grimston –

. . . 1527 – release of common rights to prepare for enclosure.

. . . 1546 Sir Nicholas buys 200 acres and 2 closes.

. . . 1553 buys one close.

. . . 1554 buys another close with right to enclose Low Moor.

. . . 1567 buys 2 more closes and 1568 more land.

The MS '*Fauconberg Book*' (in the Members' Library, County Hall, Northallerton) contains 17th century transcripts of Bellasis deeds including an indenture of May 12th 32 Eliz. which says that 'Sr Nicholas Fairfax knt did purchase of Wm Willdon [actually in 1559 – Y.A.S.R.S. ii/227] a pte of Yearsley common next adioininge Gilling park'. Sir Nicholas held one messuage in Yearsley and therefore, as a free holder, bought 1000 acres of the moors and wastes of Yearsley, but was balked from 'improving' it because Sir William Bellasis then bought Yearsley manor and now both owned the original messuage and, as successor to the rights of Newborough Priory, had 'beast gaits' on the commons. There was no settlement of this conflict between enclosers who were neighbours and relations, until an agreement of 22 James I (out of the 'love' that the Bellasises owed the 'house of Gilling') which reveals that the successors of Sir Nicholas at Gilling had nevertheless pushed on with enclosure of Yearsley moor.

(26) Y.D.R. Cause Papers. G/2038. 1554. Defamation suit. Anne Robinson accuses Thomas Browne, a servant of Sir Nicholas Fairfax of Gilling – who is a justice and keeps 30 to 40 servants at Gilling Castle – of calling her 'hoore, noughtye hoore, noughty drabble queane' when she was found in Sir Nicholas' hop garth at Gilling. Since a Gilling jury had found her to be a light woman and hanging round the Gilling servants, Sir Nicholas told Browne to drive her away or put her in the stocks.

(27) Remington marriage in Saxton Register; marriage deed quoted in Bodleian Fairfax MS

30.f.19. Cal. Patent Rolls 1560-3. p.95. (1561 Geo. Remington deceased, forester). *Sharpe. Memorials of the Rebellion of 1569. pp.44; 173n.; Wright. (op.cit) i/335* for the part of a Nicholas Fairfax in the rising. S.P.D. Eliz. Add. xxvii/11 (printed in *Downside Review. 1916. p.71)* and S.P. Foreign. Eliz. 1579-80. 279. p.250 for the presence of Catholic Fairfaxes in Paris in 1580. The former gives, April 1580?, 'Mr Fairfax', the latter, April 27th 1580, 'three of the Fairfaxes.' It is next to impossible to identify these men. Of Sir Nicholas' sons, six (Sir William, Nicholas, George, Thomas, Robert and Henry) were staying at Gilling in April 1580 (Gilling Household Books). Of the remaining two sons, Cuthbert was at Gilling in late August 1579 and then not before late July 1580, each time accompanied by Edward. Of others, 'my yonge master', Thomas, son of Sir William, was a small child, Guy Fairfax did not appear at Gilling between August 1579 and November 1580, and we have little check in the Household books on the remaining cadets of the family, who rarely appeared there anyway.

The will of Nicholas Fairfax is Test.Ebor. 22/99 and has as witness John Atherton, parson of Fryton, a regular visitor to Gilling.

(28) For his marriage, Surtees Soc. 133/136 and Y.A.S.R.S.2/238 – a fine of 1560 apparently fixing the marriage settlement by giving Frances land in Acaster Malbis. The administration of his goods is in Test.Ebor. Oct.4th 1598, the heir his son Henry, who inherited his father's sixth of Dunsley (V.C.H.N.R. ii/519). Sir William's 'Book of Arms' (Bodleian MS Top.Yorks c.11 f.wuff) describes George as of Dunsley with the arms differenced as for a third son. Frances was presented for not going to church in 1590, 1595, 1596 (Y.D.R.RVI/A. 12 f. 191v RVI/A. 15 f. 148v. RVI/A. 16. f. 165) She occurs in Recusant Rolls 5,13 and 14 (P.R.O.E/377/5 etc) and her fine rose from £140 in 1598 to £300 in 1605.

(29) Henry appears in the wills of his grandfather, Sir Nicholas (Test.Ebor. 19/469) and his uncle Edward Fairfax (ibid. 24/93). He and his wife Ursula were presented as 'obstinate recusants' at archbishop's Visitations in 1590 and 1594 (Y.D.R. RVI/A. 12 f. 191v. and RVI/A. 13). He comes in the Recusant Roll of 1592, though the entry about his wife is not clear (C.R.S. 18/88) In the archbishop's Visitations of 1595 and 1596, and in the High Commission case against him of 1597, his name occurs alone without his wife's (RVI/A. 15 f. 148; A. 16 f.165; High Comm. Act Book 1596-9 f.54).

The S.P.D. account of his violence against distrainers is given in full in *Cartwright. Chapters in Yorks. History.* p.170. He was charged by the High Commission on Nov. 15th 1602 as 'married lately not known by whom' (High Comm. Bk. 1599-1603 f.264). After this 'Henry Fairfax of Dunsley, gent. and his wife Edith' appear regularly in archbishop's Visitation comperta (RVI/B.3 f.227v. 1607; A.18 f.344 1615; A.19 f.305 1619; A.20 f.258v. 1623; A.22 f.170v. 1630), in Quarter Sessions convictions for recusancy from 1614 to 1626, with a variety of Catholic servants and children (N.R.Q. S. ii70, 140, 162, iii/66, 81, 103, 149, 176, 212, 225, 283 and probably 300). He was only twice cited to the York High Commission, in 1597 (reference above) and 1607-8 (H. Comm. Bk. 1607-12 f.50) and in neither case do the records say anything of action taken against him. By 1604-5 he and his wife were being fined at the rate of £300 a year each – a figure which they can hardly have paid. Contrast with this the more

modest and effective recusancy compositions charged against the 2nd Lord Fairfax and Lord Dunbar – immensely wealthier persons – in the 1630s-about £300 a year.

(30) Edward Fairfax gent. son of Henry of Dunsley was convicted as a recusant at Quarter Sessions from 1626 to 1634 (N.R.Q.S.iii/300,339,364, iv/25). His wife Anne was convicted with him in 1632, but, presumably, dead in 1633, when his secret marriage with Barbara Shinning was presented (Y.D.R.RVI/B.4 ff.396v., 397v.) Barbara was henceforward presented with him as his wife. The 1632 composition is in the MS *'Abstract of the Book of Compositions. . . of Recusants Convicted'* made by Ralph Thoresby and now in Ushaw College Library.

(31) N.R.Q.S.iii/176,305.

(32) ibid.103,176. There are other Fairfaxes in the Whitby parish registers of this period, whom we cannot yet connect with the families of either George or Cuthbert Fairfax in Dunsley.

(33) N.R.Q.S.iii/66,81; Test.Ebor.admin. July 20th 1612; Y.D.R. High Comm. bk. 1607-12 f.50; *Peacock. Roman Catholics in Yorkshire in 1604. p.62, 110.*

(34) Test.Ebor.admin. of the goods of Roger, son of George Fairfax of Dunsley, to Edward Goodyear for his wife Mary Goodyear. Aug. 2nd 1611. Edward Goodyear and Mary Fairfax of Sheriff Hutton were married in 1600 (Y.A.J.10/18). Mary, wife of Edward Goodyear was presented as a recusant of almost 2 years standing, in 1604 at Westerdale (*Peacock*.op.cit. p.106) and with her husband at Eskdaleside in 1614 (N.R.Q.S. ii/70).

(35) The will of Christopher Stonehouse of Dunsley April 20th 1631 mentions his wife Ursula and has Henry Fairfax as witness. Notes in C.R.S.4/378 and 6/73-4 make this the basis of a theory that Ursula was a Fairfax and Fr Andrew Stonehouse alias Fairfax her son. (Compare Whitby Register – 1613 William Stonehouse married Margery Fairfax.) We can produce no new evidence for or against this theory.

(36) Thomas Fairfax, 4th son of Sir Nicholas, owned a share in Dunsley (Sir William's Book of Arms. Bodleian MS Top. Yorks. c.11 f.27ff.), married a Vaux (Hopkinson MS pedigree – see NOTE 18) and had two sons in May 1580 (Gilling Household Books) one of whom was a Nicholas (will of Edward Fairfax 1589. Test.Ebor.24/93). He was a fairly frequent visitor to Gilling, for weekends with his brothers and even odd nights and single meals, 1571-84. W.MS 1/14 (10) identifies him outright with 'Thomas Fairfax of Sheriff Hutton', father of the Anne (a Catholic) who married Francis, son of Gabriel Fairfax of Steton. This Thomas of Sheriff Hutton (presumably managing his father's farm of the tithes there) is mentioned once in the Household Books, and occurs in Y.D.R. Cause Papers.R/As. 15B/93 – a mere mention, while Mary Fairfax of Sheriff Hutton occurs in 1600 (ref. in NOTE (33)). There are no Fairfax references in Sheriff Hutton Registers.

The Cumberland Fairfax pedigree (see NOTE (13)) seems to omit a generation because its ancestor, Sir Thomas Fairfax died in 1520, whose son, Thomas, rector of Caldbeck was, according to all the MS pedigrees a Catholic priest. Yet his son Thomas is said to have died in 1640. This is by no means the only reason why we hope to attempt to work out the Cumberland pedigree in detail. *Miscellanea Genealogica et*

Heraldica. 2nd s. 4/i. p.12f – will of William Fayrefax, goldsmith.

(37) Y.A.J.7/300 (marriage licence of Nicholas Fairfax of Scawton and Dorothy Fairfax); Y.A.S.R.S.8/81 (they buy land in Wombleton) and 8/125 (they sell a sixth of Dunsley). See Test.Ebor.admin. of Nicholas of Welburne to Dorothy his widow Oct. 16th 1611 and his Inquisition Post Mortem (P.R.O. Wards 7/35/47) – seised of a messuage in Welborne and 7 closes held of the King, died on 5 Sept. last past (1611), leaves Thomas Fairfax his son and heir aged 14 years 9 months and Dorothy his widow. Y.D.R.RVI/B.3. 1607. Kirkdale. Nicholas Fairfax gent refuses to pay cessments because the lands he owns are in other men's hands.

Our tentative identification of this Nicholas with the son of Thomas rests on the facts that he inherited Dunsley land and was therefore a grandson of Sir Nicholas. He was of Scawton, a Gilling manor. We can account for others of the family named Nicholas.

Dorothy Fairfax of Wombleton, widow, was presented as a recusant in Oct. 1637 (N.R.Q.S.iv/81). Their children, not recusants, seem to be Thomas Fairfax of Bulmer (will, Test.Ebor.55/266) and Frances Fairfax (ibid.58/459).

(38) Y.A.J. 13/385.

(39) ibid. 14/464.

(40) Y.C.A. Ainsty Subsidy Book.E/51 ff. 133ff, 162ff, 214ff, 239ff, 267ff. and the list of the armour of Robert Fairfax at Acaster 1573 in ibid.E/47 f.30ff. and Y.A.S.R.112/162. The Spencer marriage is in Hopkinson MS pedigree (see NOTE (18)) Surtees Soc. 138/9 (pedigree of the Spencers of Yedingham) The Lamplugh connection seems to derive from the Lamplugh pedigree (*Glover's Visitation.ed. Foster. p.155*) whence also comes the description of Robert as of 'Pockthorpe near Little Ruston' (East Riding).

The Book of Arms places him at Dunsley. He left no will. The Gilling Household books speak of 'all Mr Robert's children' in 1580 and record his frequent visits, and the marriage of 'Mr Robert and Mrs Ursely' (compare *Glover's Visit.* p.200.William Crathorne of Ness married Ursula, widow of . . . . Fairfax.)

(41) Test.Ebor. 24/93; Y.A.S.R.S. 8/146.

(42) Y.A.J.9/376 (Wycliffe Marriage); Test.Ebor.33/575 (William Fairfax of Lodgefield's will); it is possible that Evers' name is due to the fact that his mother was a child of William Wycliffe of Wycliffe and his second wife, Muriel, daughter of Lord Evers (Eure) – a recusant. (Surtees Soc. 146/14-15; *Peacock.* p.80). Y.A.J.21/31 (Evers' marriage licence); Y.D.R.RVI/A.20 (his presentment for fornication at Coxwold in 1624); Y.D.R.RVI/B.4 f.364v. (his widow's house at Easingwold, 1633 and farmership of the rectory of Ampleforth); Y.A.S.R.S.9/133 (Ralph Lutton's will, for the remarriage). The details there given make it likely that this Barbara Rose was a relation of the (Catholic) Rose family of Cawton and Gilling.

(43) Hopkinson MS (NOTE (18)) and Surtees Soc. 133/159 and L.MS. T.Norcliffe's Pedigree Book ff3-4. (Acclam of Moreby – gives Margaret as daughter of Mordaunt by his first wife, Elizabeth; William Acclam as dying in 9 Eliz; leaving 5 children by Margaret. It is likely that one of these children, Henry Acclam, was a recusant. – *Peacock. p.27*). (Edward's first marriage); Gilling Register July 20th 1572 – Edward Fairfax and

Margaret Acclam were married. Y.D.R. High Comm. Books give the story of the Acclam recusancy – Aug. 6th 1565. William Acclam and Margaret his wife of Moreby – separately summoned to appear this day to answer articles about their non-conformity in religion. Margaret appeared, swore to answer articles in writing, and, after a later hearing, the same afternoon, was told to produce her answer on Sept. 3rd. William did not appear, and the apparitor said he was not to be found. (Bk. 1564-6 ff.34,37v,31,41)

Sept. 3rd. Margaret sent a proxy and still was not there on the 4th. The vicar of Stillingfleet came to say William would not come to court. He was declared contumacious. (ibid. ff. 46v,47,48)

Sept. 24th. Both declared contumacious and William denounced in Stillingfleet church and excommunicated. (f. 60)

Dec. 13th. Their arrest ordered. (f.69) There is no further reference to the case until –

Oct. 2nd 1570. Margaret appears and is absolved ad cautelam from excommunication. (Bk. 1569-70. f. 125v)

Oct. 4th. Margaret Acclam, widow, of Moreby Hall, is bound by a bond of £40 and a pledge of £20 'that she shall usuallie frequent and resort to her parish church' and produce a certificate that she has received the Anglican sacrament before the Monday after St. Andrew's day. (ibid.f. 144v)

Dec. 4th. The requisite certificate produced in court. Edward's second marriage is in *Glover's Visit. p.214.* Test.Ebor. 24/93 – his will, made Aug. 21st 1589 in the Westropp house, Cornbrough, Sheriff Hutton. Hopkinson says he married 'Mordant, after the daughter of Lepton' – see Glover on Lepton of Kepwick. p.214.

(44) Y.C.A. Subsidy Bk.E/51 f.214ff (Cuthbert's residence at Acaster from 18 Eliz.); *Clay.Extinct & Dormant Peerages.* . p.65 (grant to him of the rectory); Y.C.A. Sessions Bk. 3. (residence at Acaster from 17 Eliz.) *Herald & Genealogist. VII p.161ff.* (efforts to identify the Whitmores) and Gilling Household Books and parish register (his marriage). Mary was presented for not communicating at Acaster in 1586 (Y.D.R.RVI/A. 9. f. 38v). As a result she had to appear on '14 Aug. 1587 in parlura infra dom.preb. de Wystowe coram . . Mr. Ric. Percie legum doctore' by whom she was absolved ad cautelam from excommunication and ordered, by next Michaelmas, to produce a certificate that she had communicated in Acaster church. She was presented again in 1596 (ibid RVI/A. 16) and at an archdeacon's Visitation in 1598, when she was still excommunicate and 'seekes not to be absolved! (ibid RVI/E. 1. f. 5. May 4th 1598). She was still a recusant in 1603 (*Peacock. op. cit. p.62).* It is odd (but not surprising) that the Ainsty Quarter Sessions show no record that she was convicted as a recusant (they rarely bothered with recusants outside the city of York) nor does she seem to have been noticed by the High Commission.

(45) Test.Ebor. 22/99; 24/93 (Nicholas in his uncles' wills) *Herald & Genealogist. VIII/24-5, Dugdale's Visit. of Yorks.* Surtees Soc. 36/230 (Hungate pedigree); V.C.H.N.R.ii/94 (Sandhutton); *Peacock.op.cit. p.122* (presentments of Nicholas and his wife, 1603); Y.D.R.RVI/B.2 f.66 (presentment of his wife alone, 1600); Test.Ebor. 31/25 (his will, made Nov. 4th 1609, proved March 10th 1609/10); P.R.O. Wards 7/34/222 (his

Inquisition Post Mortem = seised of 2/6 parts of the manor of Dunsley, 4 messuages, 10 oxgangs and a water mill there, 7 cottages in Eastbank, Dunsley, and of another sixth of Dunsley with 2 messuages and 5 oxgangs, and the reversiion of another sixth on the death of Henry, son of George Fairfax without heirs male. He left 2 of the three sixths to his wife until his youngest child was 21. He also had a share of £500 left out of Acaster by his father.

The recusancy of his widow – Recusant Rolls 12 (July 31st. 1604, fine £160), 14 (Oct. 8th 1605 – her lands siezed), 17 (her debt £66), 18 (1610-12 – payment of £17). N.R.R.O. ZAZ. Shrievalty Papers of Sir Timothy Hutton, Sheriff of Yorks. 1606 (Jane Fairfax of Sandhutton fined on lands in Garrowby and Bubthorpe, E. Riding worth £26. 13. 4 a year). N.R.Q.S. ii/246 (Oct. 13th 1611. Oath taken). Y.D.R. Cause Papers H/730 (March 5th 1612/3. The Allanson-Fairfax marriage case. This may be either a genuine answer to a prosecution for an irregular marriage or a deliberate effort to establish the legality of the marriage by Allanson, perhaps to protect Sandhutton from fines). Gregson's suspension is in Y.D.R. H.C.A.B.12,20. N.R.Q.S.iii/99,174,298 (presentments of Thomas Allanson of Sandhutton as a non-communicant in Oct.1612, 1624 and 1628 for harbouring Catholics – including ELIZABETH GOODYEAR (born Fairfax – see note (34)). Y.D.R. High Comm.Bk. 1612-16 f.380v. (Feb. 1625 Jane Allanson, wife of Thomas Allanson of Sandhutton – 'A Recusant attached and bonde entred for her appearance this day (7th) – she appered and desired conference – was enioyned to conferr with Mr Brodbank once a week and with Mr Tonge once a monethe. in matters of Religion and to appere and certifie hereof. .' Yet she was convicted again in 1626 (N.R.Q.S.iii/272) and compounded for her fines at £10a year on Aug. 29th 1632 (Thoresby's Book of Compositions. See Note (30)) and was convicted on May 4th 1641, now again a widow (N.R.Q.S.iv/188)

(46) Hungate was 5 years and 9 months old when his father died on Nov.29th 1609 (His father's Inquis. Post Mortem above). *Peacock op.cit. p.122* (Anne Thweng a recusant at Sandhutton Grange 1603) Surtees Soc. 36/230 ('Hungate Fairfax married . . . daughter of . . . . Thwenge of Heworth. . o.s.p.'), *Glover's Visit. of Yorks. ed. J. Foster. p.230* and *Pedigrees of Yorks. Families. ed. Foster. iii/380* (Thweng of Heworth). Anne was possibly a daughter of Thomas Thweng of Heworth and Jane (Kellet), in which case her father would be a recusant (N.R.Q.S.ii/60). She was presented as wife of Hungate at Eskdaleside Chapel, 1627, and Dunsley, 1636/7 (ibid. iii/295,iv/47). He was presented in 1629 (iii/395) and died in 1638 (Test.Ebor.admin. May 12th). Y.A.J.15/326-7n (his widow's marriage to Matthew Gale); N.R.Q.S.iv/188 (she and her second husband presented as recusants at HEWORTH, 1641). Note that the appearance of Anne at Eskdaleside in 1627 suggests that the recusant family of Thwing of Eskdaleside was an offshoot of the Thwings of Heworth. N.R.Q.S. ii/64,240 and Y.D.R.RVI/C.27 f. 149 give the Eskdaleside family as Robert Thwing (? a brother of Anne) and Bridget his wife, their children Margery (?), Thomas, John and Bridget.

(47) *The Genealogist. N.S.26/173-5, Jeffery. Thornton-le-Dale. p.102ff.* V.C.H.N.R.ii/94 (detailed pedigree of Fairfax of Dunsley). The descent of the six portions of Dunsley is obscure, but the descendants of this Thomas seem to have acquired all six by the

Restoration. Thomas and his son Isaac opened an alum mine at Dunsley, and sought to reopen it after the Civil War (V.C.H. Yorks. ii. Industrial History. Alum Mines.; H.M.C. 7th Report. App. p.172a – their complaint in 1663 that they had spent £6-7,000 on plant).

(48) It would be tempting to identify him with the Nicholas Fairfax who died at sea on the voyage of Calvert and some Jesuits to Maryland in 1634. (Foley iii/345).

(49) N.R.Q.S.iii/174; V.C.H.N.R.i/153 and *The Genealogist. N.S.26/173-5* (Clement was of Newton Morrell, Barton, Richmondshire and appears in no recusancy presentments.)

(50) Test.Ebor.31/25; *The Genealogist, ref.cit.;* the latter says that this Thomas died unmarried, but – Y.A.J.10/58. Licence of marriage for Thomas Fairfax of Acaster and Elizabeth Terry of Acomb.1604. His sister MARGARET speaks of her 'brother' Anthony Tirry in her will. Anthony Tirry was farmer of Acaster rectory in 1617 (Y.D.R.RVII/H. 1266). Thomas was farmer of this rectory in 1613 (ibid. RVI/E.65) and in 1619. Y.A.J.15/224-5 (Thomas Fairfax of Beverly, 1627). Y.C.A.E/70 (1632-4, poor rate assessments. Thomas and Francis Fairfax at Acaster.) Thomas never appears in recusancy presentments.

(51) P.R.O. C.Jas.I.F.4/59 (Francis' version of his career in his English Bill in Chancery – Venn.Alumni Cantab. has no reference to him); S.P.D.Jas.I.vol.cxxix no.16 (Council endorses the Council of the North's grant of Acaster rectory to Jane Fairfax widow.) H.M.C. Cowper MSS.II p.68 (The case causes a stir – Justices and House of Lords involved).

Francis married Elizabeth Wilkinson widow at All Saints, North Street, York, Feb. 1615 (Y.A.J. 13/379 and 14/483 – a widow with a child of her own. The licence says Francis of Acaster). P.R.O. E.377/49 (pensions of £5 each to Thomas and Francis Fairfax, gents. of York. 1639 allowed for in the recusancy accounts of Thomas, 2nd Viscount Fairfax.)

(52) Test.Ebor.admin. Dec. 6th 1610 to his brother Francis, with his other brothers, Thomas and Cuthbert, and his sisters, Jane, Mary, Elizabeth, Mabel, Hellen, Margaret. Goods £66. 0. 4. There is no sign that he was ever presented as a recusant.

(53) Test.Ebor.admin. as of Acaster, March 1613/4. There is another administration of a Cuthbert Fairfax of Acaster in 1629 – possibly his son. Cuthbert was never presented as a recusant.

(54) *The Genealogist. ref.cit.*

(55) W.MS 1/14 (10) – Henry's marriage; *The Genealogist. N.S.17/217ff.* and V.C.H.N.R. ii/519 (his Inquisition Post Mortem); He died sine prole, Sir William Fairfax his heir. He had received a sixth of Dunsley (Book of Arms. Bodleian MS Top. Yorks c.11 f.27ff). He was a frequent visitor to Gilling with his (unnamed) wife, 1579-80 (Household Books) possibly because he was living nearby (Y.D.R. RVII/G.2177 – 1584. Tithe case. John Fairfax (unidentified), farmer of Ampleforth tithes *V.* Henry Fairfax of Ampleforth, who refuses to pay him.) Also W.MS.5/4. North Riding Musters lists. 1581. Captains. . . Henrie Fairfax. The only clue to the identity of his wife's family is the visit of a Brian Lucas to Gilling on Nov.29th 1578 (Household Books).

(56) Modern pedigrees tend to follow *Herald & Genealogist VII/145ff.* in giving Sir Nicholas

a fifth daughter, Anne, married to Christopher Anne. The Visitations know of no such child. W.MS 1/14 (10) says Margaret was first betrothed to 'Mr Anne of Frickey' and has no Anne. A MS pedigree book compiled by Robert Parker of Morley in 1681 (penes Col. R. Parker of Browsholme Hall, Clitheroe) says that MARY was married to 'Sir Henry Curwen. . . and to Christopher Anne Esq.'

Sir William Bellasis was accounted Protestant by the arch-bishop of York in 1564 and Knollys in 1568 (references in Note (23)) and, by Catholics, a Catholic in 1574 (C.R.S.13/93). He and his wife and family were very frequent visitors to Gilling, often staying for a fortnight over Christmas. Neither was ever presented for recusancy, but there was a good deal amongst their children. (Their son, Brian Bellasis, had a recusant wife, Margaret, daughter of William Lee of Brandon -P.R.O.E/377/16; another son, James, had a recusant wife, Isabel, daughter of Thomas Chaytor, whom he married with Catholic rites – Surtees Soc.34/48; Robert Bellasis, a determined recusant in York Castle on July 18th, 1580, must have been a relative. – *Hughes. Reformation in England. iii/429*; a daughter, Catherine, married Thomas Metham, of a family early Catholic.

(57) Y.D.R. Cause Papers G/512,528,609.

(58) Glover's Visit. of Yorks. ed.Foster. p.569 (a very slight Roos of Ingmanthorpe pedigree) – according to this, Elizabeth Fairfax was perhaps the second wife of Robert Roos (the first, Mary, daughter of Sir James Strangeways) and James Roos (reference to his recusancy in Ev.MS. *Knaresborough. Sufferings of Catholics*) a child of Robert's first marriage.

(59) Y.D.R. Cause Papers G/609, Gilling Household Books (the marriage with Curwen – present 'Sir William Babthorpe, Mr Phillipe Lovell and William Strickland of Boynton'). If the Parker pedigree were right (see Note (56)), Mary must already have been married to Christopher Anne. This is possible because Anne died on May 1st 1546 (Surtees Soc. 122/89 – Gilling marriage to Curwen, 1548) and the rector of Gilling who married Mary to Curwen estimated, in his evidence at the nullity suit, that she was eighteen years old in 1548.

(60) S.P.D.Addenda 1566-79. 515-6.

(61) Y.D.R. High Comm. Act Bk. 1576-80 f.121v.-122; Recusant Roll 3 (three Commissioners, Sir William Fairfax, Sir Christopher Wandesford and Henry Bellasis sieze the goods of a recusant, George Catterick, in 1588); Gilling Household Bks. (Sunday, June 21st 1579, a large dinner at Walton to 'my lord Archbishoppe, Lord Tawbutt Vavasour and his wife and many other'. Friday, July 24th, a supper at Walton to 'my Lord arch-bishoppe Sr William Bellases Mr Vavasour and his wife.'In the 1594 inventory of Gilling (*Archaeologia. xlviii/121ff.*) one room is called 'the bishops chamber'.

(62) W.MS.5/5 (copy of a letter from Sir William to the Lord Treasurer'from my poore house at Gyllinge this firste of June 1575' asking for a commission to divide the commons of Cawton, Hovingham and Stonegrave because of troubles and murthers about them; *Fauconberg Book* (see Note (25)); Y.C.A. E/47 f.30 (Walton Park); Bodleian MS Rawlinson B/450. f.390 (undated letter: Sir Wm. Fairfax to Mr. Lawe).

(63) *Archaeologia xlviii/121ff.*

(64) Y.A.S.R. 3/16ff. (case between the Council and the North Riding Justices); ibid.96/38; S.P.D. Eliz. 1598-1601 p.117 (Sir William punished); Y.A.S.R.S. 96/122ff. (the 1597 York election – see also H.M.C. Salisbury MSS 7/411ff. and *Neale. The Elizabethan House of Commons. pp.87-92)*; H.M.C. Salisbury 11/518-2 (Tresham).

(65) Gilling Register and Household Books ('my young master', passim); *Venn.Alumni Cantabrigienses.* (He matriculated in 1591.) Leeds Reference Library MS Q/929/24274/F164 is a copy of the standard Denton Fairfax MS pedigree in the hand of Richard Parker, Rector of Littlebury, Suffolk and once fellow of Caius. He adds a note that our Sir Thomas was of his college; Y.AJ.9/64 (Sir Thomas' marriage licence). The Constable of Burton Constable MSS are at present (May, 1955) being catalogued and thus we have been unable to consult them.

(66) S.P.D. Eliz. 1593 ccxlv/28 and H.M.C. Salisbury 7/105-6 and Y.A.S.R.S. 96 (recusancy of the Constables); Lady Fairfax's record as a recusant is –

1600. Y.D.R. RVI/B.2 f.226 (presentment as non-communicant.)
1603. *Peacock.op.cit. p.61.* (a recusant)
1604-5. Y.D.R. High Comm.Bk. (She and her companion, Thomasina Dakins non-communicants. No action taken apparently.)
1614. N.R.Q.S. ii/62. (convicted – but not for the first time, since Recusant Roll 1612-13, P.R.O. E.377/23, notes a conviction, but says nothing more.)
1615. Y.D.R. RVI/A. 18 f.294. (presented for 16 years recusancy with her companions Thomasina Dakins and Frances Rosse.)
1616-23. N.R.Q.S. iv.passim. (convictions, 1616, 1619, 1623)

Frances Rosse (Rose) was of a genteel Catholic Gilling family, (N.R.Q.S. passim) and Thomasina Dakins was possibly a Dakins of Linton and was the 'Mrs Thomasin' who had charge of the linen at Walton in 1624. (Walton inventory in *Archaeologia. xlviii/121*) T.N.MSS. Council of the North Secretaryship. 111/68 (the Judges')decisions).

Lady Fairfax died between 1623 and the end of 1626 (her husband's licence to marry his second wife is dated January 1627 – *Clay. Extinct Peerages in the Northern Counties.*) There is a story about her death at Gilling in '*The Life of Mrs Dorothy Lawson of St Anthonys near Newcastle-on-Tyne.* (by Fr Palmer S.J.? 1855 ed. p.63).

> 'It seems God would entertain her [Mrs Lawson, Lady Fairfax's younger sister] with musick voices as He did her vertuous and dear sister, the Lady Fairfax of Gilling with instruments. For Mr John Cresswell [very likely a son of George Cresswell of Nunkeeling, since this John was closely associated with Sir Thomas Fairfax and Sir Henry Constable and related to the Constables by marriage – Y.A.S.R.S. 58/154, 188] an ear-witness, and a gentleman of unblemished reputation, faithfully and often asked, assurd me that immediately after her death, he distinctly heard musick, which he thought could be no other instrument than a lute, and after diligent enquiry over the whole house, he found that by them no such instrument was used at present, nor in any ways near that chamber, but sighs and tears for the loss of so worthy a lady.'

(67) Original in W.MS 5/5.

(68) N.R.Q.S. – only one appearance 1603-27· There is a gap in the rolls 1627-31.

1631-6, he appeared twice.

(69) Y.A.S.R.S. 96/126ff. (York 1620 election); Went. MSS Strafford's Letter Books ii/f.54 (Wentworth's letter of thanks to Sir Thomas of Walton. Dec.3rd 1620). The other letters from Wentworth to Sir Thomas are strictly about estate disputes (ibid. ii/ff 1,4, 30, and xii/ March 26th 1628, which is the last). Wentworth always calls Fairfax 'my cozen', though we can discover no relationship except of a very remote kind. H.M.C. Rutland MSS. iv-211,497,513. (Sir Henry Constable & Rutland).

W.MS 5/4 (the copies of Parliamentary speeches – typical endorsements – 'To the right worll. My most honored Mr. Sr Thomas Fairfax knt. at Mr Kettlewells house in (unreadable). . . here grays inn lane end'; 'These to Mr Henry Fairfax at Gilling to be kept for his father'; 'When you have rede these tak a copey and send this away to Gilling to Baxter for my soon Henrey'.

(70) For the Francis Fairfax case see Note 51. H.M.C. 4 Rep. p.6. (Commons' petition against Lord Scrope – he favours Popish recusants. . rarely attends divine service in the Minster or receives the sacrament. .sets a bad example by leaving the church on sacrament days when others go to the communion table. .has procured the nomination of popish recusants in the East Riding commission of sewers, commission of oyer and terminer, omitted to disarm Lord Eure when he went to stay with him. .authorised Lord Dunbar and Sir Thomas Methame to view gunpowder at Hull and be deputy lieutenants. . disallowed a plea that one Isabel Simpson was a popish recusant in a suit for part of her dower. .that recusants have enormously increased in number in the parts under his authority since he came into office. (Compare H.M.C. Rutland IV/497. Scrope at 'bowles' with the Catholic Earl and Sir Henry Constable). Test.Ebor.1636-8, Lord Fairfax's will refers twice to 'my cosin John Ibson'. Ibson was Gilling agent during the Commonwealth.

(71) Cal.State Papers. Ireland. 1625-32 p.367 and 1647-60. p.302; *The Fairfax Correspondence. Memoirs of the Reign of Charles I. ed. G.W. Johnson. i/14-15, 156, 158-9.; Cobbett, Parliamentary History. (ed. 1807) 1625-8. col.438.*; W.MS. 4/21 (a MS legal argument of precedents for the granting of foreign peerages to Englishmen with no lands in the country concerned);Cal.St.Papers.Ireland 1633-47 pp.55,59 (proxy given, but 'manner of proceding to the 1628 Parliament' supposes that 'Thomas Fairfax and Viscount Fairfax de Emmeley walk together'; ibid. 1647-60 p.244 (proxy to 2nd Lord Fairfax for the 1641 Parliament); ibid. 1663-5 pp.90,424-5 (demand notes for Irish subsidies – which were paid, see Bodleian MS Rawlinson 391/D. p.43). The 5th Viscount was attainted by the Irish Parliament of 1689, as resident in England, (*Irish Peerage.* 2/32).

(72) Fauconberg Book (see Note (25)); *Surtees. History & Antiquities of Durham. iii/130 note 'h'.*; Lord Fairfax's will; P.R.O. Wards 7/96/95 (his Inquisition Post Mortem); *Archaeologia* xlviii/121ff. (1624 inventories) and L.MS (1636 Gilling and Walton inventories).

(73) P.R.O. S.P.16. Charles I vol.27. no.34; *Life of Mrs Lawson* (Note 66); Hodgson was a Catholic (*W.V. SMITH. Catholic Tyneside. pp.34-5*).

(74) *Herald & Genealogist VIII/225ff.* (L MSS marriage settlement Jan. 1st 1627 and

Scrayingham M.I. of Lord Fairfax – now vanished); Test.Ebor. will of Lord Fairfax, made Oct. 22nd 1634, very elaborate with several codicils; L.MSS inventories of Gilling and Walton.

(75) House of Lords Journal, Nov.28th 1645 alludes to the settlement (by permission of the Librarian); Lord Fairfax's I.P.M. (note (72)) dates the settlement Jan. 20th 1631.

(76) Pilgrim Bk. of the English College. (Foley); *Dasent.Acts of the Privy Council 1619-21 p.367* (March 1621. Pass for Henry Fairfax Esq. to travel for 3 years with one servant provided he does not go to Rome, by Secretary Calvert); W.MS pedigrees; V.C.H.N.R. ii/141-2; *Glover's Visit. ed.Foster. p.230* (his first marriage); his father's will (leaves him £3000 and reversion of the £1200 education money and Eavenwood); P.C.C. 133 Pembroke. (his will made May 22nd 1650, proved Aug. 7th); *Trans.East Riding Archaeol. Soc. viii/36/7, ix/80* (residence in Bridlington); *Berkshire Archaeol. Journal. xli/92-7* (annotated Monuments of the Fairfaxes of Hurst, M.I. of his granddaughter calls Henry 'of Burlington, co. Yorks.'=Bridlington).

(77) W.MS pedigrees; Harl.Soc. Familiae Minorum Gentium 39/847-8 (his first marriage – S.P.D. 1623-5 cciii/4, Sir Edward alive in 1618), Went. MSS passim (the Waterhouses and Sir Arthur Ingram); his father's will (left him £120 a year out of Acaster 1636 – this was reduced to £40 by his brother's death in 1641. Recusant Roll for his brother. 1638-41); Test.Ebor. 1640. Lythe.Admin. of Abigail Waterhouse alias Fairfax, to her husband, William Fairfax. The *familiae Min.Gentium* reference gives a second administration of her goods, as of St James' Clerkenwell. S.D.P. Charles I ccclxxviii no.94 (Will. Fairfax's licence for stay in Clerkenwell. Jan.16th 1638). L.MS marriage settlement of Lady Dorothea Norcliffe Dec.21st 1641, trustee William Fairfax of Ugthorpe. Y.D.R. RVI/A.28, A.30 (presentments, 1667, 1674); Surtees Soc. 62/254 (Mrs Thornton). Note also Camden Soc. *Plumpton Correspondence. pp.v, vi.* a marginal jotting in the Townley MS of the Plumpton letters –

> 'Thomas Cholmley desiers Mister William Fairfax to suffer all he can posible for the good of the comonwelth, and long lookt for will come at last.'

The editor identifies this Thomas with a Cholmeley of Braham, but our William Fairfax had a nephew by marriage, Thomas Cholmeley of Brandsby, who married Anne Plumpton of Plumpton in about 1680.

(78) W.MS pedigrees; Y.C.A. E/80. York Hearth Taxes 1671; Y.A.S.R.S. 46/7 (licence for Walmesley marriage); H.M.C. House of Lords MSS. 1678-88. p.234 (Charles at Dolebank); *Dugdale. Visit. of Yorks. ed. Clay i/87; Northern Genealogist ii/56* (Charles, 5th Lord Fairfax executor of Richard Walmesley of Dunkenhalgh 1680); *The Ancestor ii/36* (Household Books of Sir Miles Stapleton – 2s. to Mrs Fairfaxs nurse that kept her when she lay in of her boy 3rd May 1678', and on June 7th Sir Miles stayed at Selby and gave money to 'Mr Fairfaxs servants'. Ev. MS Knaresborough's 'Foul Draughts' (a signed memoir of Mrs Fairfax's record of her visit to Fr Postgate, made Oct. 5th 1705); Westminster Archives vol.35 f.377 (Leyburne's confirmation); Register of St Mary's, Castlegate, York; Y.A.S.R.S.46/140 (licence for Middleton marriage); *Payne & Estcourt. Catholic Non-Jurors of 1715. pp.298,303,325.* and Y.C.A. E/62 (registration of estates as Papist); *Sir Geo. Duckett. Penal Laws and the Test*

Act pp.75-6 (Alderman 1689); *Memoirs of Sir John Reresby. ed. A. Browning. pp.512-3n.* (attempt to make him Mayor); Test.Ebor. 67/263ff. (will of 5th Lord Fairfax June 1711 – £10 to my cousin Charles Fairfax to buy mourning; W.MSS passim – odd accounts mention Charles c.1710; Test.Ebor. 72/58 (his own will).

(79) C.R.S. Third Douay Diary pp.150,222; *Chronicle of St Monica's, Louvain. ed. Hamilton. 1625-44 p.80;* W.MS 3/14(7), 1/14/10 and Y.A.J. 30/411 (his marriage). Y.A.J. 30/406, 412-14, and Y.A.S.R.S.liv/xxi, Surtees Soc. 36/274, C.R.S. Douay Diary pp.502,513 and Y.A.S.R.S. xx/180 all show that Mrs Fairfax's father and step-mother were Catholics, as was an aunt and her own sister, but her uncle, John Beckwith was a Protestant. Her father died in 1652, having sold his estates in Acton and Featherstone for £5000 to pay for his sequestration as a recusant. *Calendar of Committee for Compounding 1805,2150-1* (Nicholas' war service ? and Dunbar debt); Featherstone Church Register and M.I.; Test.Ebor.Admin. of Goods of Nicholas Fairfax of Tanshelf 1662.

(80) W.MS 3/14(7) calls him 'Thomas, a priest'; Featherstone register; Foley v/821ff., vii(i)/24; *Dictionary of Nat.Biog.* 'Fairfax, Thomas' and *Gillow.* Foley says the Jesuit was born in 1656, the Featherstone register gives Oct. 1655. For the name see Y.A.S.R.S. liv/273 (Quarter Sessions. West Riding. 1641 – 'Ric. Beckitt alias Beckwith).

(81) *Payne. Records of English Catholic Non-Jurors. p.116;* Y.A.J. 30/412; *Payne & Estcourt. Eng. Cath. Non-Jurors of 1715.* (passim); *Surtees 131/69* (Helena Fairfax of London).

(82) L.MS Deed of Oct.25th 1631; H.M.C. Various Collections iii/257.

(83) Walton Register; *Archaeologia xlviii/121* (Walton inventory, 1624 'My Lady Laitons Chamber'); Layton was a trustee under Lord Fairfax's 1631 scheme.

(84) V.C.H.N.R.ii/33,281 (Morley family); Y.A.S.R.S. Yorks. Royalist Compositions, under Cuthbert Morley; *Ord. History of Cleveland. p.563* (Morley pedigree).

(85) Walton register; *Clay. Extinct Peerages in the Northern Counties.*

(86) Went. MSS. Papers of the Bright family; Letters of Dorothy, Lady Norcliffe circa 1680 in Bright MS 79a. Y.A.S. 8/430ff. (Lady Boynton).

THE PERIOD OF RICHARD STANYHURST'S CHAPLAINCY TO THE ARCHDUKE ALBERT

By HARRY R. HOPPE

Though during the last years of his life Richard Stanyhurst, best known to English literature for his early translation of Virgil's *Aeneid*, was one of the chaplains to the court of Albert and Isabel, the exact time of his appointment has not, so far as I can ascertain, been known. Two registers in the General archives at Brussels containing Albert's household accounts for the years 1612 to 1618 (Chambre des Comptes 1837 and 1838), give us much more precise information on this subject. They not only record current salary payments from September 1612 onwards but tell us retrospectively in 1618, the year of his death, that he assumed his duties as chaplain on 29 June 1607 and suggest that as late as 2 July 1618 he was alive but his death was probably imminent.

In the accounts that have survived we can see that Stanyhurst's salary was not paid regularly, an irregularity that must have obtained from the beginning of his service with the Archduke as evidenced by the payments from time to time of salary in arrears. The earliest recorded salary payment is for the first *tercio* of 1612, i.e., the first "third" (January-April inclusive) of the year. when Stanyhurst, along with the Archduke's other chaplains and numerous other functionaries of the royal household, was paid 25,000 maravedis:

> A Ricardo estanjur mi capellan otro tanto . . .25,000 mrs (Chambre des Comptes 1837, f. 37^{v}; payment to Treasurer ordered at Brussels 19 Sept. 1612, f. 48^{r}).

This payment of 25,000 maravedis represents, as notations in the entries for other chaplains disclose, a salary of 200 ducats a year. Stanyhurst's name does not appear in the payments for the second and third tercios of 1612, but he is entered for all three tercios of 1613 (*ibid.*, ff. 103v, 159v, and 219r; payments to Treasurer ordered on 23 April 1613, 16 Sept. 1613, and 31 Jan. 1614 respectively). In these and subsequent entries his name is spelt in a variety of Spanish phonetic transcriptions: Stanjur/ Stanyur/ Estanjur/ Estanjurt/ Estanyur/ Estanyurt.

Beginning with the first tercio of 1614 we find Stanyhurst along with all the other functionaries suffering what seems to be a drastic salary reduction when he

receives a payment of 183 florins 16½ placas instead of 25,000 maravedis (*ibid.*, f. 266^{v}; 14 June). In reality this was a conversion from the monetary unit prevailing in Madrid to that prevailing in Brussels and still represented the same salary. Starting in this year, all court payments are increasingly recorded in florins. In this currency he was duly paid for the second and third tercios of that same year (*ibid.*, ff. 304^{v} and 366^{v}; 12 Oct. 1614 and 3 Feb. 1615) and, shortly before this account book was closed, for the first tercio of 1615 (f. 396^{v}). In the mean time, however, we find payment of back salary for the first tercio of 1608:

> A Ricardo Estanyurt mi capellan otro tanto por sus Gajes del Tercio primero del año 1608 . . . . . 183 fl. 16½ *(ibid.*, f. 382^{r}; "fecha en Bruselas a 30 de marco 1615," f.383^{r}).

Early in the next account book appear payments to Stanyhurst for the second and third tercios of 1615 (Chambre des Comptes 1838, ff. 40^{r} and 96^{v}) and for the first tercio of 1616 (f.127^{v}). About 30 pages (162^{v}) before the entry for his second tercio of 1616 we find this curious entry of back payment (5 Sept. 1616) for the second and third tercios of 1609:

> A Ricardo estanjur mi capellan otro tanto por los tercios segundo y postrero mille y seis cientos y nueve.

But no sum of money (presumably 2 × 183 fl.16½ pl. = 367 fl. 13 pl.) is entered, as was customary, in the margin at the right! Was this merely a clerical oversight, or were the Archduke's intentions greater than his performance? Also, between the regular payments for the second tercio (f. 179^{r}) and the third tercio of 1616 (f. 217^{r}) we encounter a back payment for the final tercios of 1610 and 1611 (f. 207^{r}):

> A Ricardo estanjur mi capellan de oratorio trecientos y sesenta y siete florines y treze placas por los tercios postrero [de] 1610 y postrero de 1611 . . . . . 367-13 (Paid to the Treasurer 20 Dec. 1616; four other chaplains also received arrears of salary at this time.)

Stanyhurst was duly paid for all three tercios of 1617 (ff.255^{r}, 291^{v}, and 335^{v}; payments to Treasurer made at Mariemont, 6 June 1617; at Tervueren, 25 Sept.1617, and at Brussels 24 April 1618, respectively). The payment of his salary for the first tercio of 1618 (f. 370^{v}; Brussels, 19 May) marks his last regular payment in this register. About a month and a half later, however, by warrant dated 2 July 1618 a special and separate payment of 648 florins 3 placas was made to Stanyhurst "for his wages since 29 June 1607 that [he] was received [in service] until end of August [1607] for the second tercio of 1611 and the second and last [tercios] of

1612 at the rate of 200 ducats annually which completes paying all his wages in arrears":

> El Archiduque Alberto &c. Antonio rovelasca Thessorero y maestro de mi Camera de qualesquier dineros que hayan entrado en vuestro poder para el gasto de mi casa dareys a Ricardo Stanjur mi capellan de oratorio seyscientos y quarenta y ocho florines y tres placas de a veynte placas cada florin que se le dan por sus gajes desde 29 de Junio 1607 que fue recivido asta fin de Agosto del tercio segundo de 1611 y segundo y postrero de 1612 a razon de 200 ducados al año con que se le acava de pagar todos sus gajes atrasados y tomareys su carta de pago con laqual y esta mi cedula siendo señalada del Conde de anober nuestro mayordomo mayor y tomado la razon por Pedro de Mendoca mi Greffier seran bien dados y os seran recivydos en quenta los ohos 648 florines 3 placas fecha en Marimont a dos de Julio de 1618 anõs Alberto. Por mandado de S.A., Antonio Suarez de Arguello tomo la razon Pedro de Mendoça . . . . . 648 fl. 3ps. (In the margin: "Ricardo estanjur capellan de oratorio de S.A."; Chambre des Comptes 1838, f. 370[r]).

The phraseology concerning the periods covered by the payment is not as clear as we could wish, but we may be helped somewhat when we calculate that the sum amounts to Stanyhurst's salary for 3½ tercios plus 5 florins and a fraction. If we take up the items somewhat in reverse chronological order the sum appears to compensate for the second and third tercios of 1612, which we have noted were not paid him at the proper time; the second tercio of 1611, or possibly some tercio prior to it (as we have observed, his salary for the third tercio was paid about 20 Dec. 1616); and the latter portion of the second tercio of 1607 extending from 29 June through 31 August a total of somewhat more than 3½ tercios.

That Stanyhurst was probably still alive on 2 July 1618 is suggested by the absence of any reference to his heirs. If we had the record of chaplains' salaries for the second tercio of 1618 we might glean information pointing more precisely to the date of his death, which we know was some time in 1618 (see *D.N.B.*). For example after the death in the course of the first tercio of 1613 of Juan de Marguelain, another chaplain, his heirs were paid for the period from 1 January to the end of February in the regular payments for that tercio (Chambre des Comptes 1837, f. 103[v]). But salary payments for the second tercio of 1618 must have appeared in the next register, which has not been preserved. We can therefore only say that Stanyhurst died after 2 July 1618 and surmise that it was probably shortly after this date.

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